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White-Collar Crime

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WHITE-COLLAR CRIME

A Selected Bibliography

compiled by
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National Criminal Justice Reference Service

September 1980

U. S. Department of Justice
National Institute of Justice

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National Institute of Justice
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Acting Director

Prepared for the National Institute of Justice, U.S. Department of Justice, by Aspen Systems Corp., under contract number J-LEAA-023-77. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice. Research on this project was completed in December 1979.

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INTRODUCTION

No one knows exactly how much white-collar crime costs the American public, but estimates range from $40 billion to $100 billion annually. (See Saxon, entry no. 22.)

Just what is white-collar crime, and why does it have such a costly impact? There is no one universally accepted definition of white-collar crime. At one time the term was used to describe securities-related crimes, but white-collar crime is now used for a broad spectrum of illegal activities. The U. S. Department of Justice defines white-collar crime as "those nonviolent offenses which principally involve elements of deceit, deception, concealment, corruption, misrepresentation, and breach of trust." (See Gelb, Graziano, and Civiletti, entry no. 14.) This definition clearly includes such pervasive crimes as price-fixing, manufacture and sale of harmful foods and drugs, water and air pollution, insurance fraud, bribery, data theft, and a seemingly endless list of illegal acts.

Police and prosecutors are sometimes hesitant to enter this arena because white-collar crimes are not easily identifiable and investigating them requires sophisticated techniques. Many citizens do not report their victimization because they are embarrassed at having been taken, feel that they will not be able to recover their losses, or are virtually unaware that they have been victimized. Society in general does not equate the white-collar offender with the "common criminal." Public education and energetic prosecutions are necessary to reverse these attitudes and make white-collar criminals responsible for their crimes.

The term "white-collar crime" was coined by Edwin Sutherland, a sociologist who asserted that crime of the upper socioeconomic classes differs from "traditional" crime of the lower class primarily in the administrative procedures used with offenders. Sutherland was one of the first criminologists to suggest that the illegal acts of the upper class are just as illegal as those lower class crimes that normally enter the criminal justice system. The major difference, according to Sutherland, is that white-collar criminals receive much lighter sanctions. (See Sutherland, entry nos. 27 and 28.)

Sutherland's thesis is borne out by a recent study of sanctions imposed on 56 executives convicted of federal crimes: the average prison sentence was 2.8 days, regardless of offense, and 10 executives had their sentences suspended. (See Clinard et al., entry no. 71.)

This bibliography has been compiled to highlight the literature on white-collar crime for researchers, investigators, prosecutors, and others concerned with the detection, control, and study of white-collar crimes. The citations are presented in six sections:

- **Overview.** Criminology perspectives, scope and definition, research findings.
- **Official Corruption and Abuse of Government Programs.** The problems associated with political corruption and abuse of government programs by government employees, beneficiaries, and service providers.
- **Marketplace Crime.** Criminal acts by and against the business community.
- **Organized Crime Involvement.** The influx of organized criminal activity in the legitimate business arena.
- **Computer Abuse.** The use of computers to commit illegal acts.
- **Detection, Investigation, and Prosecution.** Techniques and guides to assist criminal justice agencies.

All entries have been selected from the data base of the National Criminal Justice Reference Service. NCJRS has extensive holdings on white-collar crime, including a number of documents that describe white-collar crime in other countries. For additional information about white-collar crime, contact NCJRS. For information about how to obtain the documents cited in this bibliography, see page vii.

HOW TO OBTAIN THESE DOCUMENTS

The documents in this bibliography are part of the National Criminal Justice Reference Service (NCJRS) collection and are available to the public in the NCJRS Reading Room on weekdays between 9 a.m. and 5 p.m. The NCJRS Reading Room is located in Suite 211, 1015 20th Street, NW., Washington, DC.

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WHITE-COLLAR CRIME

OVERVIEW

1. **AMERICAN BAR ASSOCIATION, 1800 M STREET, NW, WASHINGTON DC 20036. AMERICAN BAR ASSOCIATION—SECTION OF CRIMINAL JUSTICE—COMMITTEE ON ECONOMIC OFFENSES—FINAL REPORT.** 74 p. 1976. **NCJ-39521**

THIS REPORT DOCUMENTS THE COMMITTEE'S EFFORTS IN FORMULATING A WORKING DEFINITION OF ECONOMIC CRIME, STUDYING OVERALL FEDERAL AND STATE PROSECUTORIAL EFFORTS AND REVIEWING ATTENDANT PROBLEMS SUCH AS SENTENCING. THE COMMITTEE IDENTIFIED PROBLEM AREAS BY INVITING INDIVIDUALS WITH EXPERIENCE IN THE ECONOMIC CRIME AREA TO PRESENT STATEMENTS CONCERNING SPECIFIC ISSUES. IN ADDITION, COMMITTEE MEMBERS WERE ASSIGNED PROBLEM AREAS TO INVESTIGATE AND REPORT TO THE COMMITTEE AS A WHOLE. AN 88-ITEM BIBLIOGRAPHY WAS ALSO ASSEMBLED TO GUIDE THE COMMITTEE'S DISCUSSIONS. THE EFFORTS OF NINE FEDERAL AGENCIES IN THE ECONOMIC CRIME AREA ARE SUMMARIZED ALONG WITH THOSE OF STATE AND LOCAL GOVERNMENT AND THE PRIVATE SECTOR. BASED ON THIS STUDY, THE COMMITTEE DEFINED ECONOMIC CRIME AS 'ANY NON-VIOLENT, ILLEGAL ACTIVITY WHICH PRINCIPALLY INVOLVES DECEIT, MISREPRESENTATION, CONCEALMENT, MANIPULATION, BREACH OF TRUST, SUBTERFUGE, OR ILLEGAL CIRCUMVENTION.' IN ADDITION, TEN RECOMMENDATIONS WITH ACCOMPANYING COMMENTARIES ARE DETAILED. IT IS RECOMMENDED, AMONG OTHER THINGS, THAT THE FEDERAL GOVERNMENT COLLECT DATA FROM ALL ITS AGENCIES HAVING JURISDICTION IN THE DETECTION, INVESTIGATION, OR PROSECUTION OF ECONOMIC CRIMES AND THAT IT CONSIDER ESTABLISHING A CASE-WEIGHING SYSTEM TO PRIORITIZE CASES. OTHER RECOMMENDATIONS INCLUDE REQUIRING ANNUAL COMPLIANCE REPORTS FROM ALL STATE AND FEDERAL AGENCIES WITH EITHER A LAW ENFORCEMENT OR LAW INSPECTION FUNCTION, INCREASED PRETRIAL, RECIPROCAL DISCOVERY IN ECONOMIC CRIME CASES, AND GREATER EMPHASIS ON PUNISHING ECONOMIC CRIME OFFENDERS FOLLOWING THEIR CONVICTION. THE BIBLIOGRAPHY ASSEMBLED BY THE COMMITTEE IS APPENDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: AMERICAN BAR ASSOCIATION, 1800 M STREET, NW, WASHINGTON DC 20036; NCJRS MICROFICHE PROGRAM.

2. **AMERICAN BAR ASSOCIATION, 1800 N STREET, NW, WASHINGTON DC 20036. RECOMMENDATIONS OF THE AMERICAN BAR ASSOCIATION SECTION OF CRIMINAL JUSTICE COMMITTEE ON ECONOMIC OFFENSES.** 56 p. 1977. **NCJ-43452**

RECOMMENDATIONS FOR THE CONTROL OF ECONOMIC CRIME, WHICH CURRENTLY COST U.S. CITIZENS ABOUT $40 BILLION A YEAR ARE MADE; SUCH CONTROL MUST INVOLVE BOTH GOVERNMENTAL AGENCIES AND THE PRIVATE SECTOR. AFTER DEFINING ECONOMIC OFFENSES AS BOTH CIVIL AND CRIMINAL ACTIVITIES 'WHICH INVOLVE DECEIT, MISREPRESENTATION, CONCEALMENT, MANIPULATION, BREACH OF TRUST, SUBTERFUGE, OR ILLEGAL CIRCUMVENTION OF THE LAW (AUTO REPAIR FRAUD, LAND FRAUD, JOB OPPORTUNITY SCHEMES),' THE COMMITTEE ON ECONOMIC OFFENSES OF THE SECTION OF CRIMINAL JUSTICE OF THE AMERICAN BAR ASSOCIATION (ABA) MAKES 10 RECOMMENDATIONS FOR CONTROL OF SUCH OFFENSES. (THE RECOMMENDATIONS REPRESENT ONLY THE VIEWS OF THE COMMITTEE AS THEY HAVE NOT BEEN VOTED UPON BY THE GOVERNING COUNCIL OF THE SECTION OF CRIMINAL JUSTICE OR THE ABA AS A WHOLE.) THE RECOMMENDATIONS INCLUDE: GREATER EXCHANGE OF INFORMATION AMONG LOCAL AND STATE JURISDICTIONS TO MAKE IT MORE DIFFICULT FOR OFFENDERS TO MOVE FROM ONE AREA TO ANOTHER; GREATER TRAINING IN ACCOUNTING AND OTHER ENFORCEMENT TECHNIQUES FOR ECONOMIC CRIME; SETTING OF PRIORITIES SO RESOURCES CAN BE CONCENTRATED ON THE MOST COSTLY CRIMES; GREATER AWARENESS ON THE PART OF GOVERNMENT REGULATORY AGENCIES WITH MORE EMPHASIS ON ENFORCEMENT OF BANKING REGULATIONS, SECURITIES REGULATIONS, AND OTHER ECONOMIC RULES AND LAWS; TIGHTER ACCOUNTING PROVISIONS FOR GOVERNMENT-SPONSORED PROGRAMS; AND GREATER EMPHASIS ON PROSECUTION AND CONVICTION OF THOSE COMMITTING ECONOMIC CRIMES. AT PRESENT, THE PERSON WHO ROBS A BANKING OR LENDING INSTITUTION IS THREE TIMES AS LIKELY TO GO TO PRISON AS THE PERSON WHO EMBEZZLES FROM THE SAME INSTITUTION, AND THE PRISON SENTENCE IS LIKELY TO BE TEN TIMES AS LONG. THIS CREATES A PROBLEM IN THE PRISONS BECAUSE ECONOMIC CRIMINALS ARE LIKELY TO BE WHITE AND MIDDLE CLASS WHILE THOSE CONVICTED OF VIOLENT CRIMES ARE LIKELY TO BE POOR MEMBERS OF MINORITY GROUPS. YET, THE ECONOMIC CRIME GENERALLY COSTS SOCIETY MORE. APPENDIXES GIVE A BIBLIOGRAPHY ON

ECONOMIC CRIME AND A LIST OF FIELD OFFICES FOR THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION ECONOMIC CRIME PROJECT.

Supplemental Notes: PROJECT SUPPORTED BY PURCHASE ORDER NO 6-0418-J-LEAA.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: AMERICAN BAR ASSOCIATION, 1800 M STREET, NW, WASHINGTON DC 20036.

3. **A. BEQUAI. WHITE-COLLAR CRIME—A 20TH-CENTURY CRISIS.** HEATH LEXINGTON BOOKS, 125 SPRING STREET, LEXINGTON MA 02173. 203 p. 1978. **NCJ-49880**

VARIOUS ASPECTS AND TYPES OF WHITE-COLLAR CRIME ARE DISCUSSED, INCLUDING SECURITIES-RELATED CRIMES, COMPUTER CRIMES, TAX FRAUDS, BANKRUPTCY FRAUDS, ENVIRONMENTAL OFFENSES, AND BRIBES, KICKBACKS, AND POLITICAL FRAUDS. THE DEFINITION AND SCOPE OF WHITE-COLLAR CRIME ARE NOTED. THE QUESTION OF WHY WHITE-COLLAR CRIME HAS BEEN NEGLECTED IS BROACHED, WITH ATTENTION TO THE HISTORICAL DEVELOPMENT OF CRIME, TRADITIONAL CRIMINOLOGY, THE INFUSION OF IDEOLOGY AND THE MARXIST APPROACH, AND PROBLEMS IN DATA COLLECTION. THE ACTORS IN WHITE-COLLAR CRIMES AND THE TECHNIQUES OF WHITE-COLLAR FELONS ARE IDENTIFIED, AND SECURITIES-RELATED CRIMES ARE EXAMINED REGARDING THE DEVELOPMENT OF THE SECURITIES INDUSTRY, SECURITIES LAWS, CATEGORIES OF OFFENSES, AND SECURITIES LAW ENFORCEMENT. BANKRUPTCY, CONSUMER, AND INSURANCE FRAUDS ARE DISCUSSED, WITH EMPHASIS ON APPLICABLE LAWS AND THE ASSORTED CATEGORIES OF OFFENSES. BRIBES, KICKBACKS, AND POLITICAL FRAUDS ARE DETAILED, INCLUDING PRIVATE CORRUPTION, BUREAUCRATIC BRIBERY, POLITICAL BRIBERY, AND ELECTIONEERING FRAUDS. A DISCUSSION OF FRAUDS IN GOVERNMENT CONTRACTS AND PROGRAMS IS ACCOMPANIED BY AN EXAMINATION OF ANTITRUST LAWS AND TRADE RESTRAINT PRACTICES AND INSIDER-RELATED FRAUDS SUCH AS EMBEZZLEMENT, PILFERAGE, AND DATA THEFT. COMPUTER SECURITY, PROSECUTION DIFFICULTIES IN COMPUTER-RELATED CRIME, AND FACTORS UNDERLYING THE EASY ABUSE OF COMPUTERS ARE DISCUSSED. ENVIRONMENTAL OFFENSES AND TAX FRAUDS ARE CONSIDERED IN RELATION TO THE HISTORICAL DEVELOPMENT OF THE APPLICABLE LAWS AND THE NATURE OF THEIR ENFORCEMENT. THE ORGANIZED CRIME ROLE IN WHITE-COLLAR CRIME, THE AREAS OF ORGANIZED CRIMINAL ACTIVITY, AND THE EFFECTIVENESS OF THE ORGANIZED CRIME ACT ARE DETAILED, ALONG WITH THE PROBLEMS PRESENTED BY ORGANIZED CRIME TO FEDERAL AND LOCAL PROSECUTORS AND LAW ENFORCEMENT AGENCIES. LITIGATION PROBLEMS ARE HIGHLIGHTED REGARDING THE DEVELOPMENT OF PROCEDURAL SAFEGUARDS, THE POWERS OF NEW POLICING BODIES, AND CONSTITUTIONAL PROTECTIONS. THE VOLUME CLOSES WITH SPECULATIONS ON FUTURE DEVELOPMENTS IN WHITE-COLLAR CRIME AND ITS CHANGING DIMENSIONS RESULTING FROM TECHNOLOGICAL INNOVATION. A BIBLIOGRAPHY AND INDEX ARE PROVIDED.

Availability: HEATH LEXINGTON BOOKS, 125 SPRING STREET, LEXINGTON MA 02173.

4. **BUREAU OF NATIONAL AFFAIRS, 1231 25TH STREET, NW, WASHINGTON DC 20037. WHITE-COLLAR JUSTICE—A BNA (BUREAU OF NATIONAL AFFAIRS) SPECIAL REPORT ON WHITE-COLLAR CRIME.** *UNITED STATES LAW WEEK,* V 44, N 40 (APRIL 13, 1976), WHOLE ISSUE. **NCJ-35445**

ASSESSMENT OF EVOLVING ENFORCEMENT INITIATIVES DIRECTED AGAINST WHITE COLLAR CRIMES FOCUSING ATTENTION ON BRIBERY, TAX EVASION, SECURITIES FRAUD, AND ANTITRUST. DEFINITIONS OF WHITE COLLAR CRIME FORMULATED BY THE JUSTICE DEPARTMENT AND STATE AND FEDERAL LAW ENFORCEMENT OFFICIALS ARE EXPLORED AND THE ANNUAL COSTS OF THESE CRIMES TO THE AMERICAN PUBLIC ESTIMATED. INCREASED INVESTIGATIONS AND PROSECUTIONS ARE DISCUSSED AND THE USE OF A COMPUTERIZED COMPLAINT INDEX IN THE LOS ANGELES AREA IS DESCRIBED. SENTENCING DISPARITY IN WHITE COLLAR CONVICTIONS IS ANALYZED AND TWO STUDIES BY A PRISONER AND BY A PROSECUTOR ARE SUMMARIZED. ALTERNATIVE SENTENCING METHODS DEVISED BY JUDGES IN SPECIFIC CASES ARE REVIEWED. A SELECTED BIBLIOGRAPHY ON WHITE COLLAR CRIME LITERATURE IS INCLUDED.

Supplemental Notes: REPRINT.

Availability: BUREAU OF NATIONAL AFFAIRS, 1231 25TH STREET, NW, WASHINGTON DC 20037.

5. **CHAMBER OF COMMERCE OF THE UNITED STATES, 1615 H STREET, NW, WASHINGTON DC 20006. HANDBOOK ON WHITE COLLAR CRIME—EVERYONE'S PROBLEM EVERYONE'S LOSS.** 96 p. 1974. **NCJ-14039**

COMMON SCHEMES, POSSIBLE CAUSES, HOW TO SPOT THESE ILLEGAL ACTIVITIES, AND SPECIFIC COUNTERMEASURES TAILORED FOR NINE CATEGORIES OF WHITE-COLLAR CRIME. MANY LAW ENFORCEMENT OFFICIALS REGARD WHITE-COLLAR CRIME AS THE FASTEST GROWING SECTOR OF CRIME. THIS HANDBOOK OUTLINES A GENERAL STRATEGY AS WELL AS SPECIFIC MEASURES BY WHICH THOSE IN BUSINESS AND THE PROFESSIONS CAN TAKE PROMPT AND EFFECTIVE STEPS AGAINST WHITE-COLLAR CRIME. THE METHODS, PROCEDURES, POLICIES, AND CONTROLS EMPHASIZED ARE MEASURES WHICH REQUIRE MORE IN THE WAY OF WILLPOWER THAN MANPOWER AND EXPENSIVE HARDWARE. THE OVERALL PROBLEM IS FIRST DEFINED AND THE NATURE OF THE CRIME, ITS CONSEQUENCES, AND TRADITIONAL UNSUCCESSFUL RESPONSES ARE DISCUSSED. NINE CATEGORIES OF WHITE COLLAR CRIME ARE COVERED—BANKRUPTCY FRAUD, BRIBES, KICKBACKS, AND PAYOFFS, COMPUTER-RELATED CRIME, CONSUMER FRAUD, ILLEGAL COMPETITION, AND DECEPTIVE PRACTICES, FRAUD BY CREDIT CARD AND CHECK, EMBEZZLEMENT AND PILFERAGE, INSURANCE FRAUD, RECEIVING STOLEN PROPERTY, AND SECURITIES THEFT AND FRAUD. FOR EACH OFFENSE, THE AUTHOR (1) EXPLORES MANY OF THE SCHEMES AND METHODS USED BY PERPETRATORS OF THE CRIME, (2) INDICATES SOME OF THE EARLY WARNING SIGNALS FREQUENTLY ASSOCIATED WITH IT, AND (3) REFERS READERS TO LIKELY SOURCES OF ASSISTANCE, SUCH AS LAW ENFORCEMENT AGENCIES AND CERTAIN PRIVATE ORGANIZATIONS. IN ADDITION, THE READER IS REFERRED TO SUBSEQUENT PAGES WHICH DESCRIBE SPECIFIC COUNTERMEASURES. CAUSES OF WHITE-COLLAR CRIME ARE HIGHLIGHTED AND VARIOUS POLICIES AND PREVENTIVE PROCEDURES THAT APPLY TO ALL, OR AT LEAST TO SEVERAL, OF THE NINE CRIME CATEGORIES ARE REVIEWED. SETS OF TAILOR-MADE COUNTERMEASURES, EACH SET KEYED TO A SPECIFIC WHITE-COLLAR OFFENSE, ARE PRESENTED. THE FINAL CHAPTER SUPPLIES EXAMPLES OF HOW WHITE-COLLAR CRIME CAN BE COMBATED THROUGH COLLECTIVE ACTION BY BUSINESS.

Availability: CHAMBER OF COMMERCE OF THE UNITED STATES, 1615 H STREET, NW, WASHINGTON DC 20006.

6. **M. J. CLARKE. WHITE COLLAR CRIME, OCCUPATIONAL CRIME, AND LEGITIMACY.** ACADEMIC PRESS LTD, 24-28 OVAL ROAD, LONDON NW1, ENGLAND. *INTERNATIONAL JOURNAL OF CRIMINOLOGY AND PENOLOGY,* V 6 N 2 (MAY 1978), P 121-136. **NCJ-49081**

AN ACCOUNT OF WHITE COLLAR CRIME IS PRESENTED WHICH UTILIZES THE CONCEPT OF LEGITIMACY OF ACCESS TO CRIMINAL OPPORTUNITY AS AN ORGANIZING AND DIFFERENTIATING FACTOR AMONG TYPES OF CRIME. ORDER-

ING VARIOUS KINDS OF PROPERTY CRIME PERPETRATED FOR GAIN ALONG A SPECTRUM OF LEGITIMACY OF ACCESS TO CRIMINAL OPPORTUNITY PROVIDES A BASIS FOR BETTER UNDERSTANDING THE DIFFERENCES BETWEEN SO CALLED WORKING-CLASS CRIME (BURGLARY, ROBBERY, THEFT) AND WHITE COLLAR CRIMES. IN OCCUPATIONAL CRIMES OPPORTUNITY ARISES AS PART OF THE OCCUPATION, AND CRIMINAL TECHNIQUES ARE LEARNED THROUGH THE JOB RATHER THAN THROUGH INVOLVEMENT IN A DEVIANT SUBCULTURE. IN ADDITION TO THIS DISTINCTION, OCCUPATIONAL CRIME CAN ALSO BE DISTINGUISHED AS EMPLOYER-PERPETRATED AND EMPLOYEE-PERPETRATED. A SUBSTANTIAL DIFFERENCE EXISTS BETWEEN THESE TWO TYPES OF WHITE COLLAR CRIME IN THE EXTENT OF CONTROL OVER THE PERCEIVED OR ACTUAL LEGITIMACY OF CRIMINAL BEHAVIOR. BLUE COLLAR OCCUPATIONAL CRIME, SUCH AS THE EMPLOYEE PILFERING FOR PERSONAL USE FOUND AMONG DOCK LABORERS, IS PART OF AN ESSENTIALLY SYMBIOTIC RELATIONSHIP BETWEEN EMPLOYEE AND EMPLOYER AND IS AT A MAXIMUM IN WORK SITUATIONS INVOLVING LOW WAGES AND RELATIVE EMPLOYEE AUTONOMY. SUCH PILFERING MAY BE LEGITIMIZED BY THE EMPLOYEE IN TERMS OF THE COMPANY'S INSURANCE COVERAGE, THE IMPERSONALITY OF THE BUSINESS ENTITY, OR AS AN ACCEPTABLE JOB FRINGE BENEFIT. IT IS OFTEN TOLERATED BY THE EMPLOYER WHO CAN MORE EASILY AFFORD SUCH PILFERING THAN THE COST OF STRICTER CONTROL MEASURES OR RETRIBUTIVE EMPLOYEE WORK SLOWDOWNS. WHILE THIS IS TRUE ABOUT PERSONAL-USE PILFERING, THEFT FOR RESALE IS GENERALLY NOT LIKEWISE TOLERATED BY THE EMPLOYER. IN MORE TECHNOLOGICALLY SOPHISTICATED BLUE COLLAR WORK ENVIRONMENTS, THE EMPLOYEE'S ACCESS TO CRIME OPPORTUNITY AND THE EXTENT OF HIS CONTROL OVER PERCEIVED LEGITIMACY ARE BOTH LIMITED. THE POSITION OF THE WHITE COLLAR EMPLOYEE IS ESSENTIALLY SIMILAR TO THAT OF HIS BLUE COLLAR COUNTERPART AND DEPENDENT UPON BOTH ACCESS TO OPPORTUNITY AND EXTENT OF CONTROL OVER PERCEIVED LEGITIMACY. THE SIMILARITY OF SHOPLIFTING TO EMPLOYEE PILFERAGE IS NOTED. EMPLOYER CRIME IS DISTINGUISHED FROM EMPLOYEE CRIME BY THE INCREASED CONTROL OVER PERCEIVED LEGITIMACY OF THE CRIMINAL BEHAVIOR, AND CAN BE CLASSIFIED IN TERMS OF THE CRIMINAL CORPORATION IN WHICH LEGITIMATE ORGANIZATIONAL APPEARANCES ARE USED AS A CONTEXT FOR CRIMINAL ACTIVITY AND HAVE BEEN DEVISED PRIMARILY FOR CRIMINAL ACTIVITY, AND CORPORATE CRIME WHICH INVOLVES DEVIANT ACTIVITIES SUCH AS PRICE FIXING BY LEGITIMATE ORGANIZATIONS. THE IMPORTANCE OF POWER RELATIONSHIPS BETWEEN SOCIAL AND ECONOMIC GROUPS IN ANALYZING WHITE COLLAR/OCCUPATIONAL CRIMES IS EMPHASIZED. IT IS NOTED THAT IN CORPORATE CRIME, NOT ONLY THE APPEARANCE OF LEGITIMACY BUT CONTROL OVER LEGITIMACY IS IMPORTANT. NOTES AND REFERENCES ARE INCLUDED.

7. **S. DINITZ. ECONOMIC CRIME (FROM CRIMINOLOGY IN PERSPECTIVE—ESSAYS IN HONOR OF ISRAEL DRAPKIN, 1977 BY SIMHA F LANDAU AND LESLIE SEBBA—SEE NCJ-45543).** HEATH LEXINGTON BOOKS, 125 SPRING STREET, LEXINGTON MA 02173. 17 p. 1977.

NCJ-45546

THE CONCEPT OF ECONOMIC AND WHITE-COLLAR CRIME IS DEFINED, TRACED HISTORICALLY, AND ILLUSTRATED; SYSTEMS FOR CLASSIFYING ECONOMIC CRIMES ARE PRESENTED, AND PROBLEMS OF STUDYING ECONOMIC CRIME ARE NOTED. THE ORIGINS OF THE TERM 'WHITE-COLLAR CRIME' ARE TRACED TO THE CRIMINOLOGIST EDWIN H. SUTHERLAND, WHO DEFINED IT AS 'SUITE CRIME,' OR THE STREET CRIME OF THE BUSINESS AND PROFESSIONAL COMMUNITIES. HE CALLED FOR THE TREATMENT OF WHITE-COLLAR CRIME AS REAL CRIME REQUIRING THE INVOKING OF PENAL RATHER THAN CIVIL SANCTIONS. OBJECTIONS WHICH HAVE BEEN RAISED TO THE CONCEPT OF WHITE-COLLAR CRIME CENTER AROUND: (1) THE USE OF THE WORD 'CRIME,' SINCE MOST CASES OF SUCH VIOLATIONS ARE HANDLED OUTSIDE OF THE CRIMINAL JUSTICE SYSTEM; (2) THE FACT THAT AN UNINFORMED PUBLIC DOES NOT PERCEIVE THE ACTIVITY AS CRIMINAL (NOR DO THE PERPETRATORS) AND (3) THE ARGUMENT THAT WHITE-COLLAR CRIME IS SO PERVASIVE THAT IT IS THE NORM AND NOT THE EXCEPTION. ANOTHER DEFINITION CITED IS THAT OF HERB EDELHERTZ: 'ECONOMIC CRIME' IS 'AN ILLEGAL ACT OR SERIES OF ACTS COMMITTED BY NONPHYSICAL MEANS AND BY CONCEALMENT OR GUILE, TO OBTAIN MONEY OR PROPERTY, TO AVOID THE PAYMENT OR LOSS OF MONEY OR PROPERTY, OR TO OBTAIN BUSINESS OR PERSONAL ADVANTAGE.' HE PRESENTS A FOUR-CATEGORY CLASSIFICATORY SYSTEM OF WHITE-COLLAR CRIME: (1) CRIMES BY PERSONS OPERATING ON AN INDIVIDUAL AD HOC BASIS, E.G., TAX VIOLATIONS, CREDIT CARD FRAUD, CHARITY FRAUDS; (2) CRIMES COMMITTED IN THE COURSE OF THEIR OCCUPATIONS BY THOSE OPERATING INSIDE BUSINESS, GOVERNMENT, OR OTHER ESTABLISHMENTS IN VIOLATION OF THEIR DUTY OF LOYALTY AND FIDELITY TO EMPLOYER OR CLIENT, E.G., COMPUTER FRAUDS, COMMERCIAL BRIBERY OR KICKBACKS, EMBEZZLEMENT; (3) CRIMES INCIDENTAL TO AND IN FURTHERANCE OF BUSINESS OPERATIONS, BUT NOT THE CENTRAL PURPOSE OF THE BUSINESS, E.G., FRAUD AGAINST THE GOVERNMENT, FOOD AND DRUG VIOLATIONS, CHECK KITING, HOUSING CODE VIOLATIONS; AND (4) WHITE-COLLAR CRIME AS A BUSINESS OR AS THE CENTRAL ACTIVITY, E.G., BANKRUPTCY, LAND, HOME IMPROVEMENT, MERCHANDISING, INSURANCE, PYRAMID, AND OTHER RELATED FRAUDS AND SCHEMES. COMMON ELEMENTS OF ECONOMIC CRIME CITED BY EDELHERTZ ARE THE INTENT TO COMMIT A WRONGFUL ACT OR TO ACHIEVE A PURPOSE INCONSISTENT WITH LAW OR PUBLIC POLICY, DISGUISE OF PURPOSE OR INTENT, RELIANCE BY THE VIOLATOR ON IGNORANCE OR CARELESSNESS OF THE VICTIM, ACQUIESCENCE BY THE VICTIM IN WHAT HE BELIEVES TO BE THE TRUE NATURE AND CONTENT OF THE TRANSACTION, AND CONCEALMENT OF THE CRIME BY VARIOUS MEANS. THE AUTHOR NOTES THAT EDELHERTZ FAILS TO DIFFERENTIATE ECONOMIC CRIMES BY LEVELS OR CLASSES AND ACCORDINGLY PROPOSES THE FOLLOWING HIERARCHY: THE CONSUMER-FRAUD LEVEL; PRICE FIXING BY CHAIN STORES, BANK INTEREST RATES, 'COMPETITIVE' BIDDING IN THE CONSTRUCTION INDUSTRY, AND GENERAL MISREPRESENTATION AT THE SECOND LEVEL; AND AT THE THIRD LEVEL, THE ECONOMIC PRACTICES PERPETRATED BY LARGER, USUALLY NATIONAL, ORGANIZATIONS AND BUREAUCRACIES IN INDUSTRY. THE AUTHOR CONCLUDES THAT THE ECONOMIC CRIME PROBLEM IS A MISNOMER AND A CUL-DE-SAC IN THAT, APART FROM THOSE AT THE LOWEST LEVEL WHO DEFRAUD THE PUBLIC, THE PROBLEM OF ECONOMIC CRIME IS NOT A CRIME PROBLEM AT ALL BUT RATHER AN ISSUE OF WHAT KIND OF INDUSTRIAL AND POSTINDUSTRIAL SOCIETY IS TO EMERGE, HOW IT IS TO BE ORGANIZED AND REGULATED, AND BY WHOM. AMONG THE PROBLEMS OF DOING RESEARCH IN THIS FIELD IDENTIFIED BY MEMBERS OF A SEMINAR ON ECONOMIC CRIME ARE THE DIFFICULTY OR IMPOSSIBILITY OF PERFORMING QUALITATIVE AND QUANTITATIVE ANALYSIS, REPLICATING STUDIES, OBTAINING INFORMATION FROM THE SUBSYSTEMS OF THE CRIMINAL JUSTICE STRUCTURE, PROCURING FUNDING FOR ECONOMIC CRIME RESEARCH, AND LOCATING CRIMINOLOGISTS WITH BOTH RESEARCH COMPETENCY AND THE NECESSARY TRAINING IN LAW AND COMMERCE. EXTENSIVE REFERENCES ARE PROVIDED.

8. **H. EDELHERTZ. NATURE, IMPACT AND PROSECUTION OF WHITE-COLLAR CRIME.** US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531. 77 p. 1970. **NCJ-04415**
CONCERN WITH STREET AND ORGANIZED CRIME HAS DIVERTED PUBLIC RESOURCES FROM WHITE-COLLAR CRIME WHICH IS VIEWED AS BEING SOCIALLY DESTRUCTIVE AND COSTLY. DETECTION OF WHITE COLLAR CRIME IS HINDERED BY THE OPERATIVE STRUCTURE OF SUCH CRIME. BY ITS NATURE, IT IS NONPHYSICAL, COVERT, AND NOT IMMEDIATE IN IMPACT. WHILE MONETARY IMPACT MAY BE MEASURABLE, THE SOCIAL, PHYSICAL, AND PSYCHOLOGICAL COSTS ARE FOUND TO BE INCALCULABLE BECAUSE WHITE-COLLAR CRIME IS DEEPLY INTERWOVEN IN THE ECONOMIC STRUCTURE OF SOCIETY, AND PROSECUTION HAS REQUIRED LONGER, MORE SOPHISTICATED AND COMPLICATED INVESTIGATIONS AND TRIALS. THIS, IN ADDITION, TO LIGHT SENTENCES AND FINES HAS TENDED TO DISCOURAGE INCREASED PROSECUTION. SUCH EVALUATIONS LEAD TO THE CONCLUDING LEGISLATIVE RECOMMENDATIONS, WHICH WILL HOPEFULLY DETER SUCH CRIME BY INCREASED PENALTIES AND PROVIDE ADDITIONAL RELIEF FOR VICITMS.
Availability: GPO. Stock Order No. 027-000-00063-1.

9. **M. D. ERMANN and R. J. LUNDMAN, Eds. CORPORATE AND GOVERNMENTAL DEVIANCE—PROBLEMS OF ORGANIZATIONAL BEHAVIOR IN CONTEMPORARY SOCIETY.** OXFORD UNIVERSITY PRESS, INC, 200 MADISON AVENUE, NEW YORK NY 10016. 334 p. 1978. **NCJ-46062**
IN RECENT YEARS AWARENESS OF CORPORATE AND GOVERNMENT WRONGDOING HAS INCREASED; THIS SERIES OF READINGS LOOKS AT INJURIES RESULTING FROM THESE ACTS, MOTIVES BEHIND THEM, AND SUGGESTS STRATEGIES FOR DETERRENCE. THE NATURE OF THE CORPORATION AS AN ARTIFICIAL INDIVIDUAL, INCLUDING ITS ABILITY TO COMMIT CRIMES, IS EXAMINED. THE GOVERNMENT AS A LAWBREAKER IS CONSIDERED. SUGGESTIONS FOR CONTROLLING THIS TYPE OF DEVIANCE ARE GIVEN. THE CORPORATION AS A CRIMINAL IS NOT A NEW PHENOMENON. DURING THE 1800'S REFORMERS CONTINUALLY POINTED OUT THAT DISREGARD FOR WORKER SAFETY, EXPLOITATION OF CHILD LABOR, AND OTHER DEEDS WERE INDEED CRIMINAL. CONTEMPORARY PROBLEMS ARE EXAMINED IN A SECTION COVERING ANTITRUST CASES, TAX EVASION, DEFECTIVE PRODUCT DESIGN, AND CORPORATE NEGLIGENCE RESULTING IN 100,000 WORK-RELATED DEATHS PER YEAR. THE SECTION ON GOVERNMENTAL DEVIANCE INCLUDES AN ARTICLE ON THE INTERCEPTION OF THE MAIL OF AMERICAN CITIZENS BY THE CENTRAL INTELLIGENCE AGENCY, A CHAPTER ON POLICE BRUTALITY, AND AN EXAMINATION OF ABUSE OF BEHAVIOR MODIFICATION TECHNIQUES IN PENAL INSTITUTIONS. A FINAL SECTION POINTS OUT THAT PRESENT STRATEGIES DO LITTLE TO DETER BECAUSE THE PENALTIES ARE SO SMALL. SEVERAL STRATEGIES ARE OFFERED, BUT THE MOST IMPORTANT DETERRENCE WILL BE PUBLIC OUTRAGE. UNTIL 'SUITE' CRIME IS AS HATED AS 'STREET' CRIME, LITTLE WILL BE DONE. FOR SELECTED READINGS, SEE NCJ 46063-46065.
Supplemental Notes: SEE ALSO NCJ-46063-46065.
Availability: OXFORD UNIVERSITY PRESS, INC, 200 MADISON AVENUE, NEW YORK NY 10016.

10. **G. GEIS. AVOCATIONAL CRIME (FROM HANDBOOK OF CRIMINOLOGY, 1974 BY DANIEL GLASER—SEE NCJ-16488).** RAND MCNALLY AND COMPANY, BOX 7600, CHICAGO IL 60680. 27 p. 1974. **NCJ-40797**
AVOCATIONAL CRIME IS CRIME DETERRABLE BY THE PROSPECT OF PUBLIC LABELING AS A CRIMINAL, COMMITTED BY ONE WHO DOES NOT THINK OF HIMSELF AS A CRIMINAL AND WHOSE MAJOR SOURCE OF INCOME OR STATUS IS SOMETHING OTHER THAN CRIME. SINCE THIS TERM REFERS PRIMARILY TO OFFENSES AGAINST PROPERTY, ESPECIALLY TO OFFENSES SUCH AS SHOPLIFTING AND WHITE COLLAR CRIME, THESE CRIMES ARE ANALYZED IN TERMS OF THE THREE DEFINITIONAL COMPONENTS—THE SELF-IMAGE OF THE OFFENDER, THE SOURCES OF HIS INCOME AND STATUS, AND HIS DETERRABILITY. THESE ANALYSES ARE FOLLOWED BY PROPOSALS FOR ADDITIONAL RESEARCH ON THE PURPOSE OF CRIMINAL SANCTIONS IN THESE TWO AREAS, THE CHARACTERISTICS AND MOTIVATIONS OF OFFENDERS, OFFICIAL RESPONSE TO THESE VIOLATIONS, AND THE EVENTUAL CONSEQUENCES OF THE PROSCRIBED BEHAVIOR. A FIVE-PAGE REFERENCE LIST IS INCLUDED.

11. **G. GEIS. UPPERWORLD CRIME (FROM CURRENT PERSPECTIVES ON CRIMINAL BEHAVIOR—ORIGINAL ESSAYS ON CRIMINOLOGY, 1974, BY A S BLUMBERG—SEE NCJ-16428).** ALFRED A KNOPF, 201 EAST 50TH STREET, NEW YORK NY 10022. 24 p. 1974. **NCJ-40334**
'UPPERWORLD CRIME' INCLUDES LAWBREAKING ACTS COMMITTED BY THOSE WHO, DUE TO THEIR POSITION IN THE SOCIAL STRUCTURE, HAVE OBTAINED SPECIALIZED KINDS OF OCCUPATIONAL SLOTS ESSENTIAL FOR THE COMMISSION OF THESE OFFENSES. THIS PAPER DEALS WITH THE PROBLEMS OF DEFINING UPPERWORLD CRIME AND WITH ATTITUDES TOWARD IT IN VARIOUS PERIODS OF HISTORY. LATER SECTIONS CONSIDER THE SOCIAL CONSEQUENCES OF UPPERWORLD CRIME, ITS INVESTIGATION BY REFORM GROUPS, ITS HANDLING BY THE SYSTEM OF CRIMINAL JUSTICE, AND THE INFLUENCE OF THE STUDY OF UPPERWORLD CRIME ON THE STUDY OF CRIME IN GENERAL. IT IS POINTED OUT THAT BEHAVIOR DUPLICATING IN FORM AND SPIRIT WHAT WOULD NOW BE REGARDED AS UPPERWORLD CRIME CAN BE FOUND THROUGHOUT HISTORY, ALTHOUGH A LARGE NUMBER OF OFFENSES PROMINENT IN THE EXISTING INVENTORY OF UPPERWORLD CRIME COULD NOT HAVE COME INTO EXISTENCE UNTIL THE APPEARANCE OF SOCIAL ARRANGEMENTS PERMITTING THEIR PERFORMANCE (CORPORATE CRIME, FOR EXAMPLE). THE SOCIAL COSTS OF SUCH CRIME INCLUDE PUBLIC CYNICISM AND THE RATIONALIZATION OF CRIMES BY LOWER CLASS OFFENDERS, WHO SAY THAT UNPUNISHED LAWBREAKING IS ENDEMIC IN THE UPPER CLASSES. A POSITIVE CONSEQUENCE OF UPPERWORLD CRIME, HOWEVER, HAS BEEN THE RISE IN CONSUMER AWARENESS AND ACTIVISM. THE STUDY OF UPPERWORLD CRIME (DUE TO ITS FAILURE TO FIT READILY INTO EARLIER MOLDS OF DEFINITION AND EXPLANATION) HAS BEEN THE PRECURSOR OF THE CONTEMPORARY SWING OF CRIMINOLOGY TOWARD MORE PENETRATING INVESTIGATION OF THE POLITICAL PROCESSES BY WHICH CERTAIN BEHAVIORS BECOME DEFINED AS CRIMINAL.

12. **G. GEIS and R. F. MEIER, Eds. WHITE-COLLAR CRIME OFFENSES IN BUSINESS, POLITICS, AND THE PROFESSIONS. REV. ED.** 368 p. 1977. **NCJ-40489**
THIS BOOK PRESENTS A STATE-OF-THE-ART REVIEW OF CRIMINAL ACTIVITY IN THE UPPER ECHELONS OF AMERICAN SOCIETY. BRINGING TOGETHER 21 OF THE MAJOR CLASSIC AND CONTEMPORARY WRITINGS ON WHITE-COLLAR CRIME, IT CONTAINS A PROVOCATIVE ARRAY OF STUDIES OF CORPORATE OFFENSES, CONSUMER FRAUD, ILLEGAL PRACTICES IN THE PROFESSIONS, AND POLITICAL CORRUPTION. FROM THE FIRST SIGNIFICANT SOCIOLOGICAL STATEMENTS ON WHITE-COLLAR CRIMINALITY, INCLUDING THE PAPER WHICH INTRODUCED THE TERM 'WHITE-COLLAR CRIME,' TO A CONTEMPORARY ACCOUNT OF 'THE WORLD BEHIND WATERGATE', THESE ESSAYS EXPLORE WHY AND HOW WHITE-COLLAR CRIME EMERGES, HOW PREVALENT IT IS, AND HOW SOCIETY REACTS TO AND DEALS WITH IT. THE CONTRIBUTORS OFFER EMPIRICAL ACCOUNTS, THEORETICAL VIEWPOINTS, AND OPPOSING IDEAS ABOUT DEFINITIONS OF, AND PUBLIC POLICY TOWARD, THE WHITE

COLLAR CRIMINAL. IN ADDITION, THE EDITORS' INTRODUCTION AND COMMENTS ON THE INDIVIDUAL SELECTIONS OFFER A HISTORICAL AND THEORETICAL PERSPECTIVE ON THE SOCIOLOGICAL STUDY OF WHITE-COLLAR CRIME. A NINE-PAGE BIBLIOGRAPHY AND AN INDEX ARE PROVIDED. (AUTHOR ABSTRACT)

Availability: FREE PRESS, 866 THIRD AVENUE, NEW YORK NY 10022.

13. **G. GEIS and R. F. MEIER. WHITE-COLLAR OFFENDER (FROM PSYCHOLOGY OF CRIME AND CRIMINAL JUSTICE, 1979, BY HANS TOCH—SEE NCJ-52371).** HOLT, RINEHART AND WINSTON, 383 MADISON AVENUE, NEW YORK NY 10017. 17 p. 1978. **NCJ-52388**

A SOCIAL-PSYCHOLOGICAL PERSPECTIVE ON WHITE-COLLAR CRIME IS PRESENTED, INCLUDING CASE STUDIES OF WHITE-COLLAR OFFENDERS IN FINANCE, BUSINESS, AND POLITICS, AND AN ANALYSIS OF WHITE-COLLAR CRIME AMONG PHYSICIANS. IT IS FIRST POINTED OUT THAT THE LITERATURE ON WHITE-COLLAR CRIME REFLECTS A PREOCCUPATION WITH IDENTIFYING AND CONTROLLING ACTS, AS OPPOSED TO UNDERSTANDING THEIR DYNAMICS, AS WELL AS A CONSPICUOUS ABSENCE OF SOCIOLOGICAL AND SOCIAL-PSYCHOLOGICAL THEORY. THE WORK OF EDWIN H. SUTHERLAND, WHO ORIGINATED THE TERM 'WHITE-COLLAR CRIME,' IS REVIEWED, WITH REFERENCE TO SUTHERLAND'S OBSERVATION THAT THE MAIN DIFFERENCE BETWEEN A PROFESSIONAL THIEF AND A WHITE-COLLAR CRIMINAL IS ONE OF SELF-CONCEPT: THE PROFESSIONAL THIEF ADMITS HE IS A THIEF, WHEREAS THE WHITE-COLLAR CRIMINAL THINKS OF HIMSELF AS HONEST. IT IS NOTED THAT, ALTHOUGH MOST STUDIES OF WHITE-COLLAR CRIME HAVE CONCERNED THEMSELVES WITH PERSONS OF PRESTIGE, LOGIC SUGGESTS THAT THE DESIGNATION EMBRACES ALL INDIVIDUALS WHO VIOLATE LAWS REGULATING THEIR OCCUPATIONAL ACTIVITIES. CASE STUDIES OF WHITE-COLLAR OFFENDERS IN FINANCE, BUSINESS, AND POLITICS SUGGEST SOME OF THE ATTRIBUTES OF THIS FORM OF CRIMINAL BEHAVIOR. AN INDEPTH DISCUSSION OF ILLEGAL ACTS BY PHYSICIANS FOCUSES ON THE MANNER IN WHICH PRESSURES TOWARD LAW VIOLATION SWAMP THE SOCIALIZATION PROCESS WITHIN THE MEDICAL PROFESSION. SOCIAL-PSYCHOLOGICAL INSIGHTS INTO HOW BOTH OFFENDERS AND OTHERS AROUND THEM FAIL TO PERCEIVE THE SERIOUSNESS OF THEIR ACTS ARE OFFERED. SOCIAL-PSYCHOLOGICAL RESEARCH SUGGESTS THAT TO REDUCE WHITE-COLLAR CRIME, IT IS ESSENTIAL FOR THE PUBLIC AT LARGE AND MEMBERS OF THE OFFENDERS' REFERENCE GROUPS TO DEFINE IT IN INVIDIOUS TERMS. OFFENDERS' RATIONALIZATIONS MUST BE PENETRATED, AND OFFENDERS MUST BE MADE TO CONFRONT LESS PALATABLE INTERPRETATIONS OF WHAT THEY HAVE DONE. THE POSSIBILITY THAT SUCH SOCIAL VALUES AS INDIVIDUALISM, HEDONISM, AND MATERIALISM ARE CRIMINOGENIC, PARTICULARLY REGARDING WHITE COLLAR CRIME, IS POINTED OUT. A LIST OF REFERENCES IS INCLUDED.

14. **R. L. GELB, J. V. GRAZIANO, and B. R. CIVILETTI. WHITE COLLAR CRIME (FROM POLICE YEARBOOK, 1978—SEE NCJ-58283).** INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, 11 FIRSTFIELD ROAD, GAITHERSBURG MD 20760. 12 p. 1978. **NCJ-58295**

THE REMARKS OF FOUR PARTICIPANTS IN AN INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE WORKSHOP ON WHITE-COLLAR CRIME ARE DOCUMENTED. THE WORKSHOP MODERATOR, A NEW YORK CITY POLICE EXECUTIVE, REVIEWS BRIEFLY THE NATURE, COSTS, AND EXTENT OF WHITE-COLLAR CRIME. THE PRESIDENT OF A LARGE CORPORATION DISCUSSES WORKPLACE CRIME, NOTING THE COSTS OF EMPLOYEE THEFT TO THE PUBLIC, THE PERVASIVENESS OF WORKPLACE CRIME, AND THE MOTIVES BEHIND SUCH CRIME. CORPORATIONS ARE URGED TO SUPPORT CRIMINAL JUSTICE SYSTEM EFFORTS TO COMBAT WORKPLACE CRIME, TO MAKE IT CLEAR TO EMPLOYEES THAT THEFT FROM THE COMPANY IS NOT TAKEN LIGHTLY, AND TO REDUCE EMPLOYEE FEELINGS OF HOSTILITY AND ALIENATION THAT MOTIVATE MUCH WORKPLACE CRIME. A REPRESENTATIVE OF THE U.S. DEPARTMENT OF AGRICULTURE CITES THAT AGENCY'S PROBLEMS WITH CORRUPTION OF ITS BENEFIT PROGRAMS AT THE EXPENSE OF THE TAXPAYER. THE SUCCESSES AND PROBLEMS OF THE AGENCY'S ATTEMPTS TO ELIMINATE PROGRAM FRAUD ARE DESCRIBED. A REPRESENTATIVE OF THE U.S. DEPARTMENT OF JUSTICE DISCUSSES THE DEPARTMENT'S DEFINITION OF WHITE-COLLAR CRIME AS 'THOSE NONVIOLENT OFFENSES WHICH PRINCIPALLY INVOLVE ELEMENTS OF DECEIT, DECEPTION, CONCEALMENT, CORRUPTION, MISREPRESENTATION, AND BREACH OF TRUST.' THAT THE DEFINITION DOES NOT ALLUDE TO THE SOCIAL CLASS OF THE OFFENDER IS POINTED OUT. REASONS BEHIND THE CRIMINAL JUSTICE SYSTEM'S CONCENTRATION ON TYPES OF CRIME OTHER THAN WHITE-COLLAR OFFENSES ARE CONSIDERED. IT IS EMPHASIZED THAT WHITE-COLLAR CRIME IS SERIOUS AND PERVASIVE, AND THAT INVESTIGATORS AND PROSECUTORS MUST WORK TOGETHER TO COMBAT IT. TWELVE 'BADGES OF FRAUD'--PROMISES OF UNUSUAL RETURNS, BACK DATING, LIFETIME GUARANTEE, OR INCOME FOR LIFE, ETC.--ARE LISTED.

Supplemental Notes: FRANCIS LOONEY WAS THE MODERATOR.

15. **C. H. GOFF and C. E. REASONS. CORPORATE CRIME IN CANADA—A CRITICAL ANALYSIS OF ANTI-COMBINES LEGISLATION.** PRENTICE-HALL OF CANADA, LTD, 1870 BURCHMONT ROAD, SCARBROUGH, ONTARIO, CANADA. 150 p. 1978. Canada. **NCJ-60256**

'SUITE CRIME' OR THE ILLEGAL BEHAVIOR WHICH OCCURS IN THE BUSINESS SUITES AND OFFICES OF CORPORATIONS IS EXAMINED FROM THE PERSPECTIVE OF THE CANADIAN LEGAL SYSTEM AND SOCIALIST POLITICAL DOCTRINE. THE STUDY OF SUITE CRIME IS QUITE BROAD AND INCLUDES A VARIETY OF OFFENSES. THEREFORE, A SPECIFIC ANALYSIS FOCUSES ON THE CANADIAN ANTICOMBINES LEGISLATION WHICH IS THE MAJOR FEDERAL MEANS OF CONTROLLING CORPORATIONS AND THEIR ECONOMIC ACTIVITY WITHIN THE CAPITALIST STATE. WHILE MOST STREET CRIMES HAVE CLEARLY IDENTIFIABLE VICTIMS AND OFFENDERS, THE VICTIM-OFFENDER RELATIONSHIP IN SUITE CRIMES IS LESS EASILY RECOGNIZED. HOWEVER, THE EFFECT OF SUITE CRIME IS MEASURED NOT ONLY IN TERMS OF IMMEDIATE ECONOMIC LOSSES TO INDIVIDUALS, BUT ALSO IN TERMS OF THE JUSTNESS OF CANADIAN SOCIETY. AN EXPLORATION OF THE ORIGIN OF THE ANTICOMBINE LAWS AND THEIR ADMINISTRATION REVEALS THE USEFULNESS OF THE CONFLICT METHOD OF STUDY. ANTICOMBINE LAW IS SHOWN TO HAVE DEVELOPED WITHIN A SOCIOECONOMIC CONTEXT WHICH TRIED TO PROTECT THE PUBLIC INTEREST, BUT WHICH EFFECTIVELY SERVED THE INTERESTS OF BUSINESSES. AS AN EXPRESSIVE LAW DEFINING THE RIGHTNESS OF FREE ENTERPRISE AND COMPETITION, IT HAD LITTLE EFFECT UPON THE ILLICIT PURSUITS. THE INFLUENCE OF BUSINESS ON SHAPING THE LAWS SINCE WORLD WAR II IS READILY APPARENT. IN SPITE OF RECOMMENDATIONS FOR TOUGHER CONTROL OF BUSINESS, LEGISLATION HAS BEEN RELATIVELY INNOCUOUS. A STATISTICAL ANALYSIS OF VIOLATIONS OF THE ANTICOMBINE LAW SUGGESTS THAT MANY CORPORATIONS ARE RECIDIVISTS, AND THAT THE LARGER CORPORATIONS ARE IMMUNE FROM THE LAW WHEN COMPARED TO THE SMALLER COMPANIES. POLICY CHANGES SHOULD INCLUDE THE PROVISION OF PERSONAL LIABILITY FOR CORPORATE OFFICERS. TABULAR DATA AND REFERENCES ARE PROVIDED.

Availability: PRENTICE-HALL OF CANADA, LTD, 1870 BURCHMONT ROAD, SCARBROUGH, ONTARIO, CANADA.

16. **W. M. HANNAY, Ed. WHITE-COLLAR CRIME—A SYMPOSIUM.** AMERICAN BAR ASSOCIATION, 1800 M STREET, NW, WASHINGTON DC 20036. *AMERICAN CRIMINAL LAW REVIEW,* V 11, N 4 (SUMMER 1973), COMPLETE ISSUE. **NCJ-14234**

EXAMINATION OF THE DIFFICULTIES INVOLVED IN CHALLENGING AND-OR PUNISHING CRIMES SUCH AS CONSUMER FRAUD, MONOPOLIZATION, AND ENVIRONMENTAL POLLUTION. DISCUSSED ARE THE SOCIAL AND ETHICAL CONSIDERATIONS INVOLVED IN ASSESSING WHITE COLLAR CRIME. ALSO EXPLORED IS THE INEFFECTIVENESS OF THE CRIMINAL SANCTION IN FRAUD AND CORRUPTION CASES. THE USE OF CRIMINAL SANCTIONS (UNDER THE REFUSE ACT OF 1899 AND THE 1972 AMENDMENTS) IS REVIEWED AS A MEANS OF CONTROLLING WATER POLLUTION. IN ADDITION, THE DETERRENT EFFECT OF CRIMINAL ENFORCEMENT OF THE FEDERAL SECURITIES LAWS IS ALSO CONSIDERED. A BIBLIOGRAPHY IS PROVIDED.

17. **HARVARD UNIVERSITY LAW SCHOOL, LANGDELL HALL, CAMBRIDGE MA 02138. CORPORATE CRIME—REGULATING CORPORATE BEHAVIOR THROUGH CRIMINAL SANCTIONS.** *HARVARD LAW REVIEW,* V 92, N 6 (APRIL 1979), P 1227-1375. **NCJ-63777**

THE PROBLEMS CREATED BY THE FEDERAL GOVERNMENT'S RELIANCE ON THE DETERRENT EFFECT OF CRIMINAL LAW TO CONTROL CORPORATE ACTIVITIES ARE DISCUSSED; LEGAL REFORMS ARE SUGGESTED. ALTHOUGH THE FEDERAL GOVERNMENT HAS GREATLY INCREASED THE NUMBER OF CIVIL REGULATIONS WHICH CONTROL CORPORATE ACTIVITIES, DURING THE 1970'S THE GOVERNMENT ALSO AUGMENTED ITS POWER TO PUNISH CORPORATIONS THROUGH THE USE OF CRIMINAL SANCTIONS. SEVERAL PROBLEMS EXIST CONCERNING THE APPLICATION OF CRIMINAL STATUTES TO CORPORATE ENTITIES, INCLUDING THE DEVIATION FROM THE GENERAL CRIMINAL INTENT (MENS REA) MODEL OF THE CRIMINAL LAW. ENFORCEMENT OF THE CRIMINAL CODE AGAINST CORPORATIONS IS DIFFICULT BECAUSE OF THE DEFENDANTS' INVOCATION OF THE PROCEDURAL PROTECTIONS AGAINST SELF-INCRIMINATION AND THE PROHIBITIONS AGAINST UNREASONABLE SEIZURES OF EVIDENCE. THE DUPLICATIVE OR EVEN CONTRADICTORY PROVISIONS OF THE CIVIL AND CRIMINAL CODES DIMINISH THE COHERENCE OF REGULATORY EFFORTS AND IMPEDE THE ACHIEVEMENT OF GOVERNMENT OBJECTIVES. THE OCCURRENCE OF PARALLEL CIVIL AND CRIMINAL PROCEEDINGS CREATES ADDITIONAL PROBLEMS, SUCH AS WHEN AN ADMINISTRATIVE AGENCY SEEKS ACCESS TO GRAND JURY INFORMATION OR, CONVERSELY, WHEN A CIVIL SUMMONS IS USED TO OBTAIN EVIDENCE FOR A CRIMINAL PROSECUTION. DIFFERENCES IN TRIAL PROCEDURE COMPEL COURTS TO SEPARATE THE CIVIL AND CRIMINAL PROCEEDINGS DESPITE SUBSTANTIVE SIMILARITIES BETWEEN THE PENALTIES FOR CORPORATE MISCONDUCT. THE INABILITY TO IMPRISON A CORPORATION AND THE DOUBTFUL EFFECT OF CRIMINAL STIGMA ON SUCH AN ENTITY OFTEN LEAD TO THE PROSECUTION OF EMPLOYEES OR OFFICERS OF THE CORPORATION. HOWEVER, THE CONCENTRATION OF PROSECUTION ON INDIVIDUALS HEIGHTENS THE CONCERN OVER THE MODIFICATION OF THE REQUIREMENTS FOR PROVING CRIMINAL INTENT. ALTHOUGH THE RATIONALE OF DETERRING SERIOUS SOCIAL HARM CONSTITUTIONALLY PERMITS HOLDING CORPORATIONS STRICTLY LIABLE FOR THEIR CRIMES, COURTS AND LEGISLATURES WILL LIKELY CONTINUE TO REQUIRE CORPORATIONS TO BE 'BLAMEWORTHY' (ACTING WITHOUT REASONABLENESS), IN ORDER TO BE HELD CRIMINALLY LIABLE. CRIMINAL DETERMINATIONS MAY HAVE BINDING EFFECTS IN SUBSEQUENT LITIGATION THROUGH RULES WHICH PROHIBIT RELITIGATION OF ISSUES. COLLATERAL CONSEQUENCES MAY AFFECT THE CORPORATION, THE STOCKHOLDERS, AND THE GOVERNMENTAL AGENCIES. AN EVALUATION OF THE USE OF CRIMINAL PENALTIES ON CORPORATIONS INDICATES THAT RELIANCE ON CIVIL FINES WOULD REDUCE THE UNFAIRNESS BROUGHT ABOUT BY ARBITRARILY ATTACHING THE CRIMINAL LABEL TO CORPORATIONS AND THEIR PERSONNEL. FOOTNOTES ARE PROVIDED.

18. **J. H. REIMAN. RICH GET RICHER AND THE POOR GET PRISON—IDEOLOGY, CLASS, AND CRIMINAL JUSTICE.** JOHN WILEY AND SONS, 605 THIRD AVENUE, NEW YORK NY 10016. 214 p. 1979. **NCJ-59351**

IN AN ATTEMPT TO UNDERSTAND THE FAILURE OF THE AMERICAN CRIMINAL JUSTICE SYSTEM IN ITS WAR AGAINST CRIME, THIS STUDY FOCUSES ON THE DIMENSIONS, CAUSES, AND MORAL IMPLICATIONS OF AN IDEOLOGICAL FAILURE. THE CURRENT CRIMINAL JUSTICE SYSTEM IS SHAPED BY ECONOMIC BIAS--CRIMES UNIQUE TO THE WEALTHY ARE EITHER IGNORED OR TREATED LIGHTLY, WHILE THE SO-CALLED COMMON CRIMES OF THE POOR LEAD TO ARREST, CHARGES, CONVICTION, AND IMPRISONMENT. THE THREE PROPOSITIONS THAT SUPPORT THIS STATEMENT ARE THAT (1) SOCIETY FAILS TO PROTECT PEOPLE FROM CRIMES THEY FEAR (HOMICIDE, BURGLARY, ASSAULT) BY REFUSING TO ALLEVIATE THE POVERTY THAT BREEDS THEM; (2) THE CRIMINAL JUSTICE SYSTEM FAILS TO PROTECT PEOPLE FROM THE MOST SERIOUS DANGERS BY FAILING TO DEFINE AS CRIMES THE DANGEROUS ACTS OF THOSE WHO ARE WELL OFF (WHITE COLLAR CRIME, POLLUTION, OCCUPATIONAL HAZARDS) AND TO PROSECUTE ACCORDINGLY; AND (3) BY VIRTUE OF THESE AND OTHER FAILURES, THE CRIMINAL JUSTICE SYSTEM SUCCEEDS IN CREATING THE IMAGE THAT CRIME IS ALMOST EXCLUSIVELY THE WORK OF THE POOR, AN IMAGE THAT SERVES THE INTERESTS OF THE POWERFUL. BY FOCUSING ON INDIVIDUAL CRIMINALS WHO ARE POOR, THE SYSTEM DIVERTS ATTENTION FROM THE INJUSTICES OF SOCIAL AND ECONOMIC INSTITUTIONS. THE FAILURE TO REDUCE CRIME REINFORCES THIS SITUATION BY CONCENTRATING FEAR AND HOSTILITY ON THE POOR. AT THE BASE OF UNEQUAL JUSTICE IS THE UNEQUAL DISTRIBUTION OF WEALTH AND INCOME. A CRIMINAL JUSTICE SYSTEM CANNOT HOLD INDIVIDUALS GUILTY OF THE INJUSTICE OF BREAKING THE LAW IF THE LAW ITSELF SUPPORTS AND DEFENDS AN UNJUST SOCIAL ORDER. TO COUNTERACT THIS FAILURE, STEPS MUST BE TAKEN TOWARD DOMESTIC DISARMAMENT; CRIMINALIZATION OF WHITE-COLLAR CRIMES; CREATION OF A CORRECTIONAL SYSTEM THAT PROMOTES HUMAN DIGNITY AND GIVES EX-OFFENDERS A REAL OPPORTUNITY TO GO STRAIGHT; A MORE REASONABLE EXERCISE OF POWER BY POLICE OFFICERS, PROSECUTORS, AND JUDGES; AND EQUAL ACCESS TO HIGH-QUALITY LEGAL EXPERTISE FOR ALL INDIVIDUALS ACCUSED OF CRIME. EXTENSIVE FOOTNOTES ACCOMPANY EACH CHAPTER AND AN INDEX IS PROVIDED.

Availability: JOHN WILEY AND SONS, INC ORDER PROCESSING EASTERN DISTRIBUTION CENTER, 1 WILEY DRIVE, SOMERSET NJ 08873.

19. **W. M. REISMAN. FOLDED LIES—BRIBERY, CRUSADES, AND REFORMS.** FREE PRESS, 866 THIRD AVENUE, NEW YORK NY 10022. 286 p. 1979. **NCJ-57112**

THIS TEXT EXAMINES LEGISLATIVE AND JUDICIAL ATTITUDES AND RULINGS IN DOMESTIC TAX AND PRICE-FIXING CASES, DOMESTIC COMMERCIAL BRIBERY, KICKBACK, AND EXTORTION AND SUGGESTS THAT BRIBERY IS SOMETIMES NECESSARY AND LAWFUL. THE BOOK EXPLORES THE INTERRELATIONS OF THE MYTH SYSTEM AND OPERATIONAL CODE AS THEY PERTAIN TO BRIBERY. IN ANY SOCIETY, THE MYTH SYSTEM EXPRESSES ALL THE RULES AND PROHIBITIONS (THE 'RIGHTS' AND 'WRONGS' OF BEHAVIOR EXPRESSED WITHOUT NUANCES AND SHADINGS), AND THE OPERATION-

AL CODE TELLS OPERATORS WHEN, BY WHOM, AND HOW CERTAIN 'WRONG' THINGS MAY BE DONE. IT DISCUSSES PRIVATE SYSTEMS OF PUBLIC LAW, HOW PERSONS WITH POWER FORMULATE THEIR OWN OPERATIONAL CODE, AND POPULAR AND ELITIST RESPONSES TO DISCREPANCIES BETWEEN THE MYTH SYSTEM OF HOW SOCIETY'S INSTITUTIONS SHOULD OPERATE AND HOW THEY DO, IN FACT, OPERATE. TOLERATION OF BRIBERY IN THREE OF THE MAJOR AND INTERLOCKING MYTH SYSTEMS OF CONTEMPORARY LIFE--THE AMERICAN SYSTEM OF COMMERCE AND TRADE, THE MODERN REPRESENTATIONAL GOVERNMENT, AND THE NATION-STATE SYSTEM--IS DISCUSSED. THREE BASIC BRIBE VARIETIES ARE CONSIDERED UNDER OPERATIONAL CODES AND BRIBERY--TRANSACTION BRIBES (PAYMENTS ROUTINELY AND USUALLY IMPERSONALLY MADE TO A PUBLIC OFFICIAL TO SECURE OR ACCELERATE THE PERFORMANCE OF THAT PERSON'S PRESCRIBED FUNCTION), VARIANCE BRIBES (PAYMENT TO SECURE THE SUSPENSION OR NONAPPLICATION OF A NORM TO A CASE WHERE THE APPLICATION WOULD OTHERWISE BE APPROPRIATE), AND OUTRIGHT PURCHASES (PAYMENT TO ACQUIRE AN EMPLOYEE WHO REMAINS IN PLACE IN AN ORGANIZATION TO WHICH HE OR SHE APPEARS TO PAY FULL LOYALTY WHILE ACTUALLY FAVORING THE BRIBER'S CONFLICTING INTEREST). FORMS AND CAUSES OF CAMPAIGNS AGAINST BRIBERY AND THE IMPACTS THEY HAVE ON MYTH SYSTEM AND OPERATIONAL CODES ARE DISCUSSED; (EVEN IF UNSUCCESSFUL, REFORMS REASSERT THE VALUES OF THE MYTH SYSTEM). DECISIONMAKING PROCESSES OF OFFICIALS AND NONOFFICIALS IN DETERMINING WHETHER A BRIBE IS APPROPRIATE ARE OUTLINED. THE OPERATIONAL CODE, IT IS MAINTAINED, DEMANDS AS MUCH FIDELITY AS DOES THE MYTH SYSTEM, AND INSIDERS WHO DEFECT AS WELL AS OUTSIDERS WHO LAUNCH REFORM MOVEMENTS SOON LEARN THAT THEY DO NOT 'KNOW THE RULES.' THE OPERATIONAL GOALS REPRESENT VARIOUS RELEVANT SOCIAL GOALS, SUCH AS THE MAINTENANCE OF A PLURALISTIC SOCIETY, WHICH MAY THEMSELVES GENERATE THE CONTEXTS FOR BRIBERY. THE BRIBERY CAMPAIGN OF THE LATE 1970'S IS REVIEWED, AND NOTES, AN INDEX, AND REFERENCES ARE PROVIDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: FREE PRESS, 866 THIRD AVENUE, NEW YORK NY 10022.

20. **R. RICE. BUSINESS OF CRIME.** 287 p. 1956. **NCJ-14179**

ACCOUNTS OF FIVE DIFFERENT TWENTIETH CENTURY 'BUSINESS CRIMES'—CRIMINAL ACTIVITIES THAT HAVE OPERATED AS BUSINESSES. THE FIVE CONSPIRACIES DESCRIBED IN THIS BOOK CONCERN, IN THE MAIN, THE CRIMES OF ARSON, SELLING NARCOTICS, COUNTERFEITING, SMUGGLING (BOTH PEOPLE AND THINGS), AND GAMBLING. THEY PERIPHERALLY INVOLVE BLACK MARKETING, CORRUPTION OF PUBLIC OFFICIALS, TAX FRAUD, AND VARIOUS OTHER REPRESENTATIVE BUSINESS CRIMES. THE AUTHOR CONTENDS THAT EACH SCHEME WAS CONTRIVED BY BONA FIDE BUSINESSMEN, THAT EACH ONE USED THE ACCUSTOMED TOOLS AND TECHNIQUES OF BUSINESS, AND THAT EACH WAS ANIMATED BY THE SPIRIT OF FREE ENTERPRISE. EMPHASIZED IN EACH ACCOUNT IS THE COMPLICITY OF 'HONEST MEN' THAT MADE IT POSSIBLE FOR THIS TYPE OF BUSINESSMAN-CROOK TO OPERATE. BOTH REAL AND FICTITIOUS NAMES HAVE BEEN USED BY THE AUTHOR.

Supplemental Notes: REPRINT.

Availability: GREENWOOD PRESS, 51 RIVERSIDE AVENUE, WESTPORT CT 06880.

21. **M. ROBERTS. THIEF'S MANUAL, 2D ED.** DOSH PRINTERS AND ASSOCIATES. 106 p. 1975. **NCJ-41913**

THIS BOOK OUTLINES HOW THE BUSINESS, HOME, AND PROFESSIONAL COMMUNITY CAN MAKE AN INFORMED RESPONSE TO WHITE-COLLAR CRIME. THE GENERAL STRATEGY, ALONG WITH ILLUSTRATIVE SPECIFICS, IS PRESENTED FOR EACH SCHEME. THE COMMON CONFIDENCE SWINDLES AND WHITE-COLLAR OFFENSES SUCH AS AUTOMOBILE SERVICE STATION AND MECHANIC FRAUDS, INSURANCE FRAUDS, FRAUDULENT CHECK SCHEMES, PROMOTION AND INVESTMENT FRAUD, CREDIT CARD FRAUD, AND BUSINESS AND LAND FRAUDS ARE DESCRIBED WITH RESPECT TO TECHNIQUE, MODUS OPERANDI, IDENTIFICATION, AND PREVENTION. THE COMMERCIALLY ORIENTED CRIMES OF CASHIER THEFT, CASH REGISTER FRAUD, MANAGEMENT FRAUD, SHIPPING AND RECEIVING DEPARTMENT THEFT, VENDOR THEFT, CUSTOMER THEFT, BURGLARY, AND EMBEZZLEMENT ARE ALSO DESCRIBED WITH SPECIFIC PREVENTION MEASURES.

22. **M. SAXON. WHITE COLLAR CRIME—THE PROBLEM AND THE FEDERAL RESPONSE.** LIBRARY OF CONGRESS CONGRESSIONAL RESEARCH SERVICE, WASHINGTON DC 20540. 77 p. 1978. **NCJ-50060**

THIS REPORT WAS PREPARED FOR THE HOUSE COMMITTEE ON THE JUDICIARY'S SUBCOMMITTEE ON CRIME TO DEFINE THE NATURE AND SCOPE OF WHITE COLLAR CRIME AND THE FEDERAL EFFORTS TO CONTROL SUCH CRIME. SINCE WHITE COLLAR CRIME IS A SOCIAL RATHER THAN LEGAL CONCEPT, IT HAS NO LEGAL DEFINITION, AS PART OF THE TRADITIONAL CRIMINAL CODE. PROPOSED DEFINITIONS OF WHITE COLLAR CRIME FALL INTO THREE GROUPS: (1) CHARACTERISTICS OF THE OFFENDER; (2) CHARACTERISTICS OF THE CRIME ITSELF; OR (3) MEANS EMPLOYED TO COMMIT THE ILLEGAL ACT. DESPITE THEIR DIFFERENCES, ALL DEFINITIONS SUGGEST THAT A WHITE COLLAR CRIME IS AN ILLEGAL ACT COMMITTED IN THE CONTEXT OF A LAWFUL OCCUPATION; INVOLVES A BREACH OF TRUST AND DOES NOT RELY ON PHYSICAL FORCE; AND HAS THE ACQUISITION OF MONEY, PROPERTY, OR POWER AS THE PRIMARY GOAL. STUDIES HAVE DESCRIBED THE SERIOUSNESS OF THE WHITE COLLAR CRIME PROBLEM IN TERMS OF BOTH ECONOMIC AND SOCIAL COSTS. THE ESTIMATED ANNUAL MONETARY COST OF WHITE COLLAR CRIME TO SOCIETY EXCEEDS $40 BILLION. SOME ARGUE THAT WHITE COLLAR CRIME CAUSES EVEN MORE SEVERE DAMAGE BY DESTROYING THE PUBLIC'S FAITH IN LEGAL, SOCIAL, AND POLITICAL INSTITUTIONS. PUBLIC INTEREST HAS BEEN REFLECTED IN CONGRESSIONAL AND EXECUTIVE ACTIONS TAKEN TO CONTROL WHITE COLLAR CRIME BY IMPROVING AVAILABLE LAW ENFORCEMENT TOOLS AND INCREASING POTENTIAL SENTENCES FOR CONVICTED WHITE COLLAR CRIME DEFENDANTS. THE FEDERAL GOVERNMENT'S ROLE IN REDUCING SUCH CRIMES AS MURDER, RAPE, AND BURGLARY IS LIMITED BECAUSE THESE CRIMES ARE MOST COMMONLY VIOLATIONS OF STATE LAWS AND THUS ARE THE RESPONSIBILITY OF STATE AND LOCAL GOVERNMENT. WHITE COLLAR CRIMES, IN CONTRAST, OFTEN INVOLVE VIOLATIONS OF FEDERAL LAWS OR REGULATIONS OR INVOLVE CRIME SCHEMES THAT CUT ACROSS JURISDICTIONAL BOUNDARIES. PARTICULAR CONTROVERSY SURROUNDS WHAT TYPE OF SENTENCE IS APPROPRIATE FOR A WHITE COLLAR CRIMINAL. SOME ARGUE THAT PROSECUTION AND CONVICTION ARE PUNISHMENT ENOUGH IN THEMSELVES, WHILE OTHERS MAINTAIN THAT OFFENDERS SHOULD BE SENTENCED TO IMPRISONMENT BECAUSE OF THE SERIOUSNESS OF THEIR CRIME OR FOR THE PURPOSE OF DETERRING OTHERS. NUMEROUS RESEARCH GROUPS HAVE SUGGESTED REFORM MEASURES COVERING ALL ASPECTS OF WHITE COLLAR CRIME; FOR EXAMPLE, INCREASED COORDINATION BETWEEN JURISDICTIONS AND AMONG ENFORCEMENT AGENCIES TO IMPROVE INVESTIGATORY EFFORTS, INCREASED STAFF AND FUNDING RESOURCES, AND MORE

ADEQUATE SENTENCING PROCEDURES FOR WHITE COLLAR CRIME OFFENDERS. DATA ON CASES UNDER THE JURISDICTION OF THE FEDERAL GOVERNMENT ARE TABULATED. THEORETICAL PERSPECTIVES ON CAUSES OF WHITE COLLAR CRIME ARE PRESENTED IN AN APPENDIX.

Supplemental Notes: COMMITTEE PRINT NO 16 OF THE SUBCOMMITTEE ON CRIME, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, 95TH CONGRESS, 2ND SESSION.

Availability: NCJRS MICROFICHE PROGRAM.

23. **S. SHAPIRO. BACKGROUND PAPER ON WHITE COLLAR CRIME—CONSIDERATIONS OF CONCEPTUALIZATION AND FUTURE RESEARCH.** 100 p. 1976. **NCJ-39520**

THIS PAPER EXPLORES THE CONCEPTUAL HISTORY OF WHITE COLLAR CRIME, PROPOSING DISTINCTIONS THAT MIGHT ALLEVIATE CONFUSION ON ITS USAGE, AND OUTLINES AN AGENDA OF RESEARCH PROBLEMS AND THEORETICAL ISSUES. IT CONSIDERS THE DELIMITATION OF OFFENSES CONSIDERED TO BE WHITE COLLAR ON THE BASIS OF ATTRIBUTES OF THE ACTOR, ATTRIBUTES OF THE ENACTMENT OF THE ILLEGALITY, THE SOCIAL RELATIONSHIP BETWEEN VICTIM AND OFFENDER, THE BENEFICIARY OF THE ILLEGALITY, AND EMPIRICALLY OBSERVABLE DIFFERENCES BETWEEN ILLEGALITIES AND THEIR PERPETRATORS ENCOUNTERED BY AGENCIES OF SOCIAL CONTROL. MANY OF THESE CONCEPTUALIZATIONS ARE FOUND DEFICIENT PRIMARILY BECAUSE OF IMPRECISION AND IMPRACTICALITY AS OPERATIONAL DEFINITIONS. OTHER CRITICISMS FOCUS ON THE USE OF SOCIAL CRITERIA AS MEANINGFUL CLASSIFICATIONS OF ILLEGALITIES, DIFFICULTIES IN RELIANCE UPON NOTIONS OF LEGITIMACY, PROBLEMS WITH CRITERIA THAT PERTAIN TO INTENT OR PURPOSE, AND THE CONFUSION BETWEEN PERSONS AND SUPRA-INDIVIDUAL ENTITIES. TWO TYPES OF WHITE COLLAR CRIME ARE THEN DELIMITED—TRANSACTIONAL PROPERTY VIOLATIONS IN WHICH THE MEANS BY WHICH PROPERTY IS SECURED IS PROSCRIBED (TRANSACTIONAL VIOLATIONS) AND THOSE IN WHICH TRANSACTIONS ARE PROSCRIBED BECAUSE THEY ARE THOUGHT TO VICTIMIZE THIRD PARTIES (VIOLATIVE TRANSACTIONS). THE DISCUSSION THEN TURNS TO METHODOLOGICAL PROBLEMS IN THE STUDY OF WHITE COLLAR CRIME. VARIOUS SUBSTANTIVE ISSUES, RANGING FROM THE SOCIAL ORGANIZATION OF WHITE COLLAR CRIME AND ITS REGULATION TO THE INTELLIGENCE AND SANCTIONING OF WHITE COLLAR CRIME, ITS NORMATIVE DIMENSION, AND ITS VICTIMS, ARE ALSO EXPLORED. AN 11 PAGE BIBLIOGRAPHY IS PROVIDED. (AUTHOR ABSTRACT)

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

24. **J. SIMS. FEDERAL ANTITRUST POLICY—A PERSONAL PERSPECTIVE.** US DEPARTMENT OF JUSTICE. 25 p. 1978. **NCJ-47447**

FEDERAL ANTITRUST POLICY FROM 1970 THROUGH FISCAL 1977 IS DISCUSSED. TRENDS IN REGULATORY REFORM, CRIMINAL ENFORCEMENT, AND INTERAGENCY AND LEGISLATIVE ADVOCACY IN THE ANTITRUST DIVISION (AD) ARE EXAMINED. A MAJOR CHANGE IN ENFORCEMENT POLICY HAS BEEN A GREATER ANTITRUST ACTIVITY AT THE STATE LEVEL. IN FISCAL 1977, THE DEPARTMENT OF JUSTICE PARTICIPATED IN OVER 400 REGULATORY PROCEEDINGS BEFORE NEARLY EVERY FEDERAL AGENCY. THE BASIC GOAL OF DEPARTMENT PARTICIPATION IS TO KEEP THE AGENCIES FOCUSED ON THE LEAST NONCOMPETITIVE METHODS FOR ACCOMPLISHING THEIR STATUTORY MANDATES. FOR EXAMPLE, ONE OF THE MOST ACTIVE REGULATORY PROGRAMS INVOLVES WORK BEFORE THE INTERSTATE COMMERCE COMMISSION AND CONCERNS TRUCKING. TRUCKING REGULATIONS AND PROCEDURES ARE COSTING BILLIONS OF DOLLARS PER YEAR AND YET THEIR PUBLIC BENEFITS ARE DIFFICULT TO PROVE. THE DEPARTMENT HAS BEEN ARGUING FOR MORE FLEXIBILITY IN ENTRY AND RATES, LESS REGULATION, AND GREATER FREEDOM AND INCENTIVE FOR COMPETITION IN THE TRUCKING INDUSTRY. A SIMILAR COURSE IS BEING FOLLOWED IN THE AIRLINE INDUSTRY IN WORK BEFORE THE CIVIL AERONAUTICS BOARD AND IN OCEAN SHIPPING. ADDITIONAL INTERAGENCY WORK HAS BEEN CONCERNED WITH REGULATORY POLICIES IN THE AREA OF ENERGY RESOURCES, AN AREA WHICH WILL PROBABLY BECOME INCREASINGLY IMPORTANT IN THE FUTURE. THIS FOCUS ON ANTITRUST ENFORCEMENT AND REGULATORY REFORM IN REGULATED INDUSTRIES IS QUITE PROBABLY THE SINGLE MOST SIGNIFICANT CHANGE IN THE ANTITRUST DIVISION IN THE PAST DECADE. IN THE PAST 7 YEARS, THE DIVISION HAS GROWN, AND THE STAFF COMMITTED TO REGULATORY MATTERS HAS QUADRUPLED. IN ADDITION, ABOUT 25 PERCENT OF THE DIVISION'S TIME AND TALENT IS DEDICATED TO LEGISLATIVE ADVOCACY. BY TARGETING THE REGULATORY INDUSTRIES, INDUSTRY COMPLIANCE COSTS CAN BE REDUCED AT EVENTUAL SAVINGS TO THE PUBLIC. A SECOND MAJOR CHANGE HAS BEEN INCREASING CRIMINAL ENFORCEMENT. FROM 1970 THROUGH 1973, THE DIVISION BROUGHT 64 MERGER CASES AND 52 CRIMINAL CASES, WHILE FROM 1974 THROUGH 1977, THERE WERE 29 MERGER CASES AND 128 CRIMINAL CASES. IN THE LAST FEW YEARS, AN EMPHASIS HAS BEEN ON UNCOVERING AND PROSECUTING PRICE-FIXING VIOLATIONS. IT IS HOPED THAT CRIMINAL PROSECUTION AND CONVICTION WILL RAISE THE VISIBILITY OF THE PROBLEM AND RESULT IN A GREATER DETERRENT EFFECT. CRIMINAL SENTENCING GUIDELINES RECOMMENDING SUBSTANTIAL SENTENCES HAVE ALSO BEEN FORMULATED AND ARE BEING FOLLOWED AS PART OF THE DIVISION'S EFFORTS. IT IS CONCLUDED THAT THROUGH BROAD-SPECTRUM PARTICIPATION, REGULATORY REFORM, CRIMINAL ENFORCEMENT, AND INTERAGENCY AND LEGISLATIVE ADVOCACY, THE ANTITRUST DIVISION HAS BECOME A TRUE COMPETITION ADVOCACY AND CONSUMER PROTECTION AGENCY.

Supplemental Notes: REMARKS MADE BEFORE THE 45TH ANNUAL STATE BAR OF ARIZONA CONVENTION, TUCSON, ARIZONA, MAY 4, 1978.

Availability: NCJRS MICROFICHE PROGRAM.

25. **D. L. SNIDER. CORPORATE CRIME IN CANADA—A PRELIMINARY REPORT.** CANADIAN ASSOCIATION FOR THE PREVENTION OF CRIME, 55 PARKDALE AVENUE, OTTAWA, ONTARIO K1Y 1E5, CANADA. *CANADIAN JOURNAL OF CRIMINOLOGY*, V 20, N 2 (APRIL 1978), P 142-168. **NCJ-47056**

LAW AND LAW ENFORCEMENT EFFORTS IN CANADA ARE EXAMINED, AND THE THEORETICAL IMPLICATIONS OF LIGHT, INEFFICIENT REGULATION OF ILLEGAL CORPORATE ACTIVITIES IN CANADA ARE DISCUSSED IN TERMS OF MARXIST AND CONFLICT THEORY. MARXIST THEORY AS REVISED AND ENUNCIATED BY STRATUM CONTENDS THAT CORPORATE CRIME IS INCREASING AND WILL CONTINUE TO DO SO BECAUSE OF THE CONTINUAL DECLINE IN CORPORATE PROFITS RESULTING FROM A COMBINATION OF DECREASING ABILITY/DESIRE TO EXPLOIT AND A LEVELING OFF OF THE RATE OF PRODUCTIVITY. THUS CORPORATE CRIME BECOMES NECESSARY TO CONTINUING LEVELS OF CORPORATE WEALTH. HOWEVER, CORPORATE CRIME LAW ENFORCEMENT WILL ALSO INCREASE TO PREVENT PUBLIC DISENCHANTMENT AND TO PROTECT THE CAPITALIST SYSTEM AS A WHOLE. CONFLICT THEORY HOLDS THAT POWER, AS DEFINED BY CONTROL OF CRUCIAL RESOURCES, IS THE KEY VARIABLE IN DETERMINING LAW ENFORCEMENT PRACTICES AND WILL DEPEND ON THE RELATIVE STRENGTH OF THE ECONOMIC ELITE WHO CONTROL THE MATERIAL RESOURCES VIS-A-VIS THE OTHER ELITES WHO CONTROL THE

POLITICAL, IDEOLOGICAL, AND DIVERSIONARY RESOURCES. A LOOK AT LAWS AND ENFORCEMENT IN CANADA SHOWS THAT IN GENERAL CORPORATE CRIME LAWS ARE MORE FLEXIBLE THAN LAWS ON OTHER CRIMINAL OFFENSES AND THAT PENALTIES ARE OFTEN LIGHT OR CAPRICIOUS. WHILE MANY MAJOR CORPORATIONS HAVE LENGTHY RECORDS, INITIATIVE IN LITIGATION IS MORE OFTEN TAKEN BY PRIVATE INDIVIDUALS AND CONSUMER GROUPS THAN BY GOVERNMENT. FURTHER, PUBLIC DISINTEREST AND IGNORANCE OF CORPORATE CRIME MEDIATE AGAINST INCREASED ENFORCEMENT. IN MANY CASES THE MEDIA ARE OWNED BY LARGE CORPORATIONS, AND TEND TO EMPHASIZE THE MORE SENSATIONAL CRIMES WHILE DOWNPLAYING CORPORATE CRIMES. THE POLITICAL ELITE IS LARGELY INFLUENCED BY BOTH THE CORPORATE FUNDS WHICH SUPPORT ELECTION CAMPAIGNS AND THE PUBLIC ON WHOSE VOTE THEY DEPEND FOR ELECTION. REGULATORY AGENCIES ARE LARGELY INEFFECTIVE BECAUSE THEY ASSUME A NONPUNITIVE EDUCATIONAL ROLE IN DEALING WITH CORPORATIONS. IN ADDITION, STRONG COUNTERVAILING INTEREST GROUPS HAVE SIGNIFICANT LEVERAGE. WHILE IT IS NOT POSSIBLE TO TELL FROM THESE PRELIMINARY FINDINGS WHETHER CONDITIONS IN CANADA SUPPORT A MARXIST OR A CONFLICT THEORY, THERE DOES SEEM TO BE A STRUGGLE FOR POWER AMONG SEVERAL KEY INTEREST GROUPS, PARTICULARLY THE ECONOMIC AND THE POLITICAL ELITE. IT APPEARS THAT THE ECONOMIC ELITE HAVE BEEN ABLE TO USE RESOURCES AND POWER TO PREVENT THE INTRODUCTION OF LAWS WHICH THREATEN THEIR POSITION, AND TO IMPEDE THE ENFORCEMENT OF ANY WEAK LAWS THE POLITICAL ELITE HAVE BEEN FORCED TO ENACT. NOTES AND SUBSTANTIAL REFERENCES ARE PROVIDED.

26. **E. STOTLAND. WHITE COLLAR CRIMINALS.** SOCIETY FOR THE PSYCHOLOGICAL STUDY OF SOCIAL ISSUES, BOX 1248, ANN ARBOR MI 48106. *JOURNAL OF SOCIAL ISSUES*, V 33, N 4 (1977), P 179-196. **NCJ-50796**

A PRELIMINARY PSYCHOLOGICAL ANALYSIS CONSIDERS WHITE COLLAR CRIME AS A CAUSE OF STREET CRIME; MOTIVES OF WHITE COLLAR CRIMINALS AND THE FAILURE OF SOCIETAL RESTRAINTS ARE EXAMINED IN A SOCIAL CONTEXT. WHITE COLLAR CRIME, WHICH IS A GENERIC TERM FOR ALL FORMS OF CRIMINAL MISUSE OF TRUST, CREATES GREAT PROBLEMS OF ECONOMIC, POLITICAL, AND MORAL DAMAGE TO ALL SEGMENTS OF AMERICAN SOCIETY, AND HELPS TO SUSTAIN COMMON OR STREET CRIME. PREVIOUS ATTEMPTS TO CLASSIFY WHITE COLLAR CRIME BY CRIME DESCRIPTION HAVE BEEN DIFFICULT BECAUSE NEW FORMS ARE CONSTANTLY SURFACING; HOWEVER, A PSYCHOLOGICAL ANALYSIS DESCRIBES THE SOCIAL CONTEXTS IN WHICH WHITE COLLAR CRIME OCCURS: (1) PERSONS COMMITTING CRIMES ON THEIR OWN--E.G., TAX FRAUDS, CREDIT CARD FRAUDS, AND INSURANCE FRAUDS; (2) VIOLATION OF RESPONSIBILITY TO THEIR EMPLOYER BY MEMBERS OF AN ORGANIZATION OR BUSINESS; (3) CRIMES THAT ARE INCIDENTAL TO BUSINESS OPERATIONS; AND (4) WHITE COLLAR CRIME AS THE BUSINESS'S CENTRAL ACTIVITY. SINCE KNOWLEDGE OF CRIME CAUSES IS REQUIRED TO ALLEVIATE THEM, THE FOLLOWING CONSIDERATIONS OF CRIMINALS' MOTIVES IS ESSENTIAL: THE INCENTIVE OF MONEY BASED UPON THE PERCEPTION OF RELATIVE DEPRIVATION, A THREAT TO GOAL ATTAINMENT, A SENSE OF SUPERIORITY, THE EGO FUNCTION PERCEIVING THESE CRIMINALLY OFFENSIVE ACTS AS MASTERY OF DESIRABLE SKILLS, THE CONCEPT OF BENEFITTING THE VICTIM, AND GROUP FORCE INFLUENCE. FACTORS LESSENING THE RESTRAINTS ON THE COMMISSION OF CRIMES ARE EXAMINED. MORAL AMBIGUITY IS APPARENT IN THE BELIEF THAT OTHERS ARE DOING THE SAME THING, AND A FORMERLY ACCEPTABLE BUSINESS PRACTICE MAY BECOME A CRIMINAL ACT BY TODAY'S LAWS. THE DETERRENT VALUE OF PUNISHMENT CAN BE LESSENED BY LIGHT SENTENCING, THOUGH THE SHOCK OF AN ARREST CAN PREVENT A NEW CRIMINAL'S RECIDIVISM. THE LARCENOUS NATURE OF THE VICTIMS THEMSELVES IS ALSO USED AS A JUSTIFICATION FOR FRAUD. THE IMPERSONAL VICTIM, SUCH AS A HUGE ORGANIZATION, WEAKENS RESTRAINTS ON WHITE COLLAR CRIMINALS. WHITE COLLAR CRIMINALS OFTEN BELIEVE IN THEIR OWN BENEFICENCE. FURTHER RESEARCH ON THIS PRELIMINARY PSYCHOLOGICAL ANALYSIS IS ENCOURAGED SO AS TO HELP IN EFFORTS TO REDUCE WHITE COLLAR CRIME. TABULAR AND GRAPHIC DATA ARE NOT PROVIDED. REFERENCE NOTES ARE INCLUDED.

Supplemental Notes: ADDRESS PRESENTED AT THE ANNUAL MEETING OF THE SOCIETY FOR THE PSYCHOLOGICAL STUDY OF SOCIAL ISSUES, DIVISION OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION, SAN FRANCISCO, CALIFORNIA, AUGUST 1977.

27. **E. H. SUTHERLAND. WHITE COLLAR CRIME.** 287 p. 1949. **NCJ-10815**

THEORY CONCERNING THE CRIMINAL BEHAVIOR OF PERSONS OF THE UPPER SOCIOECONOMIC CLASS, AND CORPORATE ILLEGAL ACTIVITY. THE THESIS OF THIS BOOK IS THAT PERSONS OF THE UPPER SOCIOECONOMIC CLASS ENGAGE IN MUCH CRIMINAL BEHAVIOR, THAT THIS CRIMINAL BEHAVIOR DIFFERS FROM THE CRIMINAL BEHAVIOR OF THE LOWER SOCIOECONOMIC CLASS PRINCIPALLY IN THE ADMINISTRATIVE PROCEDURES WHICH ARE USED IN DEALING WITH THE OFFENDERS, AND THAT VARIATIONS IN ADMINISTRATIVE PROCEDURES ARE NOT SIGNIFICANT FROM THE POINT OF VIEW OF CAUSATION OF CRIME. THE SIGNIFICANT THING ABOUT WHITE COLLAR CRIME IS THAT IT IS NOT ASSOCIATED WITH POVERTY OR WITH SOCIAL AND PERSONAL PATHOLOGIES WHICH ACCOMPANY POVERTY. SUTHERLAND'S ARGUMENT IS THAT THERE IS ONLY ONE DEFINITION OF CRIME—THE LEGAL DEFINITION. MOST OF THE CONTROVERSY ABOUT SUTHERLAND'S CONTRIBUTION IN THIS AREA HAS ARISEN BECAUSE OF THE BELIEF THAT HE WAS TRYING TO EXTEND OR CHANGE THE CONCEPT OF CRIME. THE VOLUME'S PRINCIPAL ARGUMENT IS THAT THE BEHAVIOR IT EXAMINES IS CRIME BECAUSE IT IS PUNISHABLE BY LAW. PROCEDURAL DIFFERENCES ARE NOT IMPORTANT IF THE OFFENSE IS CLEARLY PROHIBITED BY CRIMINAL LAW. SUTHERLAND IS ASKING THAT WHITE COLLAR OFFENSES BE INCLUDED IN THE DATA ANALYZED BY CRIMINOLOGISTS. WHITE COLLAR CRIME SHOULD BE TAKEN INTO CONSIDERATION IN THE FORMULATION AND DEVELOPMENT OF THEORIES OF CRIME AND CRIMINALITY. A WEALTH OF MATERIAL IN THIS BOOK DEALS WITH THE DECISIONS OF COURTS AND ADMINISTRATIVE COMMISSIONS AGAINST SEVENTY LARGE MANUFACTURING, MINING, AND MERCANTILE CORPORATIONS. THE ANALYSIS IS CONCERNED WITH SUCH VIOLATIONS OF THE LAW AS RESTRAINT OF TRADE, MISREPRESENTATION IN ADVERTISING, AND INFRINGEMENTS OF PATENTS AND COPYRIGHTS. ALSO DISCUSSED ARE UNFAIR LABOR PROBLEMS, REBATES, FINANCIAL FRAUD AND VIOLATION OF TRUST, AND VIOLATIONS OF WAR REGULATIONS. THE DATA SUGGEST THAT WHITE COLLAR CRIME HAS ITS GENESIS IN THE SAME GENERAL PROCESS AS OTHER CRIMINAL BEHAVIOR, NAMELY, DIFFERENTIAL ASSOCIATION. THE HYPOTHESIS OF DIFFERENTIAL ASSOCIATION IS THAT CRIMINAL BEHAVIOR IS LEARNED IN ASSOCIATION WITH THOSE WHO DEFINE SUCH BEHAVIOR FAVORABLY, AND THAT A PERSON IN AN APPROPRIATE SITUATION ENGAGES IN SUCH CRIMINAL BEHAVIOR IF THE HEIGHT OF FAVORABLE DEFINITIONS EXCEEDS THE WEIGHT OF UNFAVORABLE DEFINITIONS. (AUTHOR ABSTRACT MODIFIED)

Supplemental Notes: HV6635 .S9.

Availability: HOLT, RINEHART AND WINSTON, 383 MADISON AVENUE, NEW YORK NY 10017.

28. **E. H. SUTHERLAND. WHITE-COLLAR CRIMINALITY (FROM CRIME AND DELINQUENCY, A READER, 1970 BY CARL A BERSANI—SEE NCJ-06248).** MACMILLAN, 866 THIRD AVENUE, NEW YORK NY 10022. 10 p. 1940. **NCJ-10186**

CLASSIC ESSAY ON WHITE-COLLAR CRIME, WRITTEN IN 1940, SEEKING TO DISPROVE THE THEORY THAT CRIMINAL BEHAVIOR IS DUE TO CONDITIONS ASSOCIATED WITH POVERTY. THE REASONS FOR THE PERPETUATION OF THIS FALLACY ARE EXPLORED. THE AUTHOR CONTENDS THAT THE DATA USED BY CRIMINOLOGISTS TO FORMULATE THE THEORY THAT CRIME IS POVERTY-LINKED ARE LIMITED SINCE THE DATA ARE GATHERED FROM CRIMINAL AND JUVENILE COURTS WHICH DEAL PRINCIPALLY WITH CRIMINALS OF LOWER ECONOMIC STATUS. HE PRESENTS AN ALTERNATIVE HYPOTHESIS TO EXPLAIN WHITE-COLLAR CRIME, I.E. THAT SUCH CRIMINAL BEHAVIOR IS LEARNED BY A PROCESS OF DIFFERENTIAL ASSOCIATION. THUS, THE KIND OF CRIMINAL ONE BECOMES IS LARGELY DEPENDENT ON ONE'S ASSOCIATIONS. THE FACTOR WHICH DIFFERENTIATES WHITE-COLLAR CRIMINALITY FROM LOWER CLASS CRIMINALITY IS THE PROCESS WITHIN THE CRIMINAL JUSTICE SYSTEM WHICH SEGREGATES WHITE-COLLAR CRIMINALS ADMINISTRATIVELY FROM OTHER CRIMINALS.

Supplemental Notes: REPRINTED FROM AMERICAN SOCIOLOGICAL REVIEW, V 5, N 1 (FEBRUARY 1940), P 1-12.

29. **J. C. WATKINS. WHITE-COLLAR CRIME, LEGAL SANCTIONS, AND SOCIAL CONTROL'IDOLS OF THE THEATRE' IN OPERATION.** NATIONAL COUNCIL ON CRIME AND DELINQUENCY, CONTINENTAL PLAZA, 411 HACKENSACK AVENUE, HACKENSACK NJ 07601. *CRIME & DELINQUENCY,* V 23, N 3 (JULY 1977), P 290-303. **NCJ-42969**

PROSECUTORIAL EMPHASIS UPON THE ECONOMIC DAMAGE CAUSED BY 'WHITE-COLLAR' CRIMINALS IS CONSIDERED IMPORTANT IN BREAKING PUBLIC APATHY TOWARD THEIR CRIMES. SHORT PRISON TERMS ARE RECOMMENDED TO STIMULATE THE CRIMINAL IMAGE, IMAGES OF THE BUSINESSMAN AND PROFESSIONAL PERSON AS STATUS PERSONS AND SUCCESSFUL SYMBOLS OF THE CAPITALIST SYSTEM AE CONSIDERED BARRIERS IN PERCEIVING THE DAMAGE CAUSED BY 'WHITE COLLAR' CRIMES. IT IS BELIEVED THESE IMAGES IN THE MINDS OF JURORS CAN BE OVERCOME BY EMPHASIZING THE ACTUAL HARM INCURRED BY THE DEFENDANT'S ACT AND CONNECTING THE HARM TO PERSONAL BLAME. IT IS FURTHER BELIEVED THAT SHORT PRISON TERMS IN MINIMUM SECURITY INSTITUTIONS WOULD GENERATE THE OBSERVABLE AND EXPERIENCED LOSS OF STATUS THAT WOULD ACT AS A DETERRANT FOR THE TARGET OFFENDER.

OFFICIAL CORRUPTION AND ABUSE OF GOVERNMENT PROGRAMS

30. **D. T. AUSTERN, J. H. BALL, V. I. CIZANCKAS, T. W. FLETCHER, T. R. LYMAN, and O. A. SPAID. MAINTAINING MUNICIPAL INTEGRITY—PARTICIPANT'S HANDBOOK.** UNIVERSITY RESEARCH CORPORATION, 5530 WISCONSIN AVENUE, WASHINGTON DC. 190 p. 1978. **NCJ-54588**

THIS HANDBOOK FOR LOCAL GOVERNMENT OFFICIALS ATTENDING A WORKSHOP ON MAINTAINING MUNICIPAL INTEGRITY CONTAINS DATA ON THE COST AND CONSEQUENCES OF CORRUPTION AND LISTS MEASURES WHICH CAN BE USED TO MAINTAIN INTEGRITY. THE WORKSHOP ON MAINTAINING MUNICIPAL INTEGRITY WAS DEVELOPED AS PART OF THE NATIONAL CRIMINAL JUSTICE EXECUTIVE TRAINING PROGRAM AND IS DIRECTED TOWARD CITY MANAGERS, LOCAL ADMINISTRATIVE DIRECTORS, POLICE CHIEFS, AND OTHER MUNICIPAL OFFICIALS. ITS GOALS ARE TO AFFIRM THE IMPORTANCE OF INTEGRITY IN GOVERNMENT, TO DESCRIBE THE COSTS OF CORRUPTION (BOTH ECONOMIC AND SOCIAL), TO PROVIDE PUBLIC OFFICIALS WITH METHODS TO ASSESS THE CONDITION OF THEIR GOVERNMENT'S INTEGRITY, AND TO INFORM THEM ABOUT PROACTIVE MEASURES THEY CAN IMPLEMENT TO SUPPORT GOVERNMENT INTEGRITY. IT DISCUSSES MAINTAINING MUNICIPAL INTEGRITY THROUGH LAWS, THROUGH POLICIES, THROUGH MANAGEMENT, AND THROUGH INTERVENTION FROM SOURCES OUTSIDE OF GOVERNMENT. AN 'INTEGRITY CHECKLIST' IS PROVIDED TO HELP PUBLIC ADMINISTRATORS IDENTIFY AREAS WHICH NEED CHANGE. THE FINAL SECTIONS DISCUSS IMPLEMENTATION OF MEASURES TO PRESERVE INTEGRITY, POSSIBLE CONSEQUENCES OF SUCH IMPLEMENTATION, AND DEVELOPING AN ACTION PLAN. APPENDIXES CONTAIN A DISCUSSION ON MANAGERIAL TECHNIQUES FOR IMPLEMENTING INNOVATION; MODEL LAWS CONCERNING ETHICS IN GOVERNMENT CONTRACTING, REQUIREMENTS FOR OPEN MEETINGS OF PUBLIC BODIES, CONFLICTS OF INTEREST, AND PROTECTIONS AGAINST RETALIATION OR COERCION FOR MERIT SYSTEM EMPLOYEES; A MODEL LOGGING EXECUTIVE ORDER; AND A QUESTIONNAIRE ON CORRUPTION. TABLES PRESENT STATISTICS, COMPARISONS OF ETHICS, AND STUDY DATA. SOME OF THE DISCUSSIONS INCLUDE REFERENCES.

Supplemental Notes: NATIONAL CRIMINAL JUSTICE EXECUTIVE TRAINING PROGRAM.

Sponsoring Agency: US DEPARTMENT OF JUSTICE OFFICE OF DEVELOPMENT, TESTING AND DISSEMINATION, 633 INDIANA AVENUE, WASHINGTON DC 20531.

Availability: NCJRS MICROFICHE PROGRAM.

31. **J. M. BROADUS. CORRUPTION AND REGULATION—NEW YORK POLICE AND KENTUCKY SURFACE MINING.** 231 p. 1976. **NCJ-34205**

A STUDY ON CORRUPTION IN REGULATORY OR QUASI-REGULATORY SITUATIONS; TWO CASES ARE EXAMINED IN WHICH EXTRA-LEGAL SERVICES IN THE ENFORCEMENT OF ESTABLISHED LAWS WERE EXCHANGED FOR PAYMENT. ONE CASE, KENTUCKY'S REGULATION OF STRIP-MINE RECLAMATION, INVOLVES A SMALL, ADMINISTRATIVELY CENTRALIZED AGENCY INTERACTING WITH A SINGLE LARGE INDUSTRY. THE OTHER CONCERNS A LARGE AND DIVERSE AGENCY, THE NEW YORK POLICE DEPARTMENT, IN ITS REGULATORY OR QUASI-REGULATORY RELATIONSHIP WITH MANY DIFFERENT ECONOMIC ACTIVITIES, ONE OF THE LARGEST OF WHICH IS ORGANIZED CRIME. ANALYSIS OF THE CASES ASSUMES THAT, BY DECLINING TO ENFORCE STATUTORY REQUIREMENTS OR BY MAKING FAVORABLE DISCRETIONARY RULINGS, REGULATORY OFFICERS CAN SUPPLY A SERVICE WHICH DIMINISHES REGULATED OPERATORS' COSTS OF DOING BUSINESS. IN BOTH CASES, CORRUPTION WAS CUSTOMARY, SYSTEMATIC, AND OF AN ECONOMIC NATURE DEFINED BY POLITICAL INSTITUTIONS AND EVENTS. INFORMATION COSTS WERE HIGH, AND CORRUPTION FLOWED LARGELY FROM BILATERAL MONOPOLY BARGAINING IN RELATIVELY STABLE CONTEXTS. (AUTHOR ABSTRACT)

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

32. **R. CLARK. CRISIS AT JUSTICE (FROM VERDICTS ON LAWYERS, 1976, BY RALPH NADER AND MARK GREEN—SEE NCJ-47620).** THOMAS Y CROWELL. 12 p. 1976. **NCJ-47630**

THE CRISIS IN CREDIBILITY AND INTEGRITY FACED BY THE DEPARTMENT OF JUSTICE (DOJ) FOLLOWING THE NIXON ADMINISTRATION IS REVIEWED AND RECOMMENDATIONS ARE MADE WHICH WOULD PROHIBIT A RECURRENCE OF SUCH A CRISIS. A RADICAL CHANGE TOOK PLACE IN THE DOJ UNDER RICHARD NIXON WHICH WAS UNPRECEDENTED IN ITS HISTORY. NIXON STAFFED THE DOJ WITH POLITICIANS (NOTABLY MITCHELL, KLEINDIENST, AND SAXBE) WHO BROUGHT WITH THEM POLITICAL CIVIL RIGHTS ENFORCEMENT, PARDONS AND PAROLE, ANTITRUST AND CIVIL LITIGATION, AND IN FIRST AMENDMENT AND OTHER AREAS THE DEPARTMENT ESPOUSED POLITICAL POSITIONS AND TOOK

POLITICAL ACTIONS AT ODDS WITH THE CONCEPTS OF JUSTICE AND LAW. FIVE YEARS AFTER NIXON VOWED TO PRESERVE LAW AND ORDER, HE LEFT BEHIND HIM THE MOST CRIMINAL ADMINISTRATION IN THE HISTORY OF THE UNITED STATES, THE AUTHORS ALLEGE. IF THE INTEGRITY OF THE DOJ IS TO BE RESTORED, MEASURES MUST BE TAKEN TO ASSURE THE INDEPENDENCE OF THE DOJ FROM FUTURE POLITICIZATION AND POTENTIAL CORRUPTION. THE DEPARTMENT IS A PLACE OF LAW AND LAW ENFORCEMENT, AND AS SUCH IT MUST BE GUIDED BY THE LAW AND ITS INTERPRETATION BY THE COURTS REGARDLESS OF THE POSITIONS OF THE INCUMBENT ADMINISTRATION OR OF INDIVIDUAL PERSONNEL. THE PRESIDENT OR OTHERS ACTIVE IN HIS BEHALF SHOULD BE PROHIBITED FROM INTERFERING IN DOJ MATTERS OR CASES. THE EXISTENCE OF EVERY COMMUNICATION FROM THE CONGRESS, THE WHITE HOUSE, OR THE PRIVATE SECTOR SHOULD BE MADE A PUBLIC RECORD. DOJ APPOINTEES SHOULD BE, IN THE WORDS OF THE 1789 JUDICIARY ACT 'MEET PERSON(S) LEARNED IN THE LAW.' DOJ PRESIDENTIAL APPOINTEES SHOULD BE PROHIBITED FROM ENGAGING IN POLITICAL ACTIVITIES DURING THEIR TENURE. A NUMBER OF PRESIDENTIAL APPOINTEES SHOULD BE DRAWN FROM THE OPPOSITE PARTY AND/OR FEDERAL CAREER LEGAL SERVICE. U.S. ATTORNEY POSITIONS SHOULD USUALLY BE STAFFED BY FEDERAL CAREER LAWYERS AND SHOULD BE INSULATED FROM POLITICAL INFLUENCE. DIRECTORS OF OTHER INVESTIGATIVE AGENCIES (E.G., FEDERAL BUREAU OF INVESTIGATION, BUREAU OF NARCOTICS) SHOULD BE SUBJECT TO SENATE CONFIRMATION. A MECHANISM FOR THE APPOINTMENT OF AN INDEPENDENT PROSECUTOR FOR GRAND JURY REVIEW SHOULD BE ESTABLISHED. GREATER LEGAL AND PUBLIC ACCOUNTABILITY AND RESPONSIBILITY SHOULD BE REQUIRED OF THE FBI AND OTHER INVESTIGATIVE AGENCIES. FINALLY, PRIVACY GUIDELINES AND SANCTIONS FOR VIOLATIONS SHOULD BE ESTABLISHED FOR THE RELEASE OF DEPARTMENTAL INFORMATION. NOTES ARE PROVIDED.

33. **CRIMINAL USE OF FALSE IDENTIFICATION (FROM CRIME IN SOCIETY, 1978, BY LEONARD D SAVITZ AND NORMAN JOHNSTON SEE NCJ-53552).** 11 p. 1978. **NCJ-53566**
THE NATIONAL IMPACT IS DISCUSSED OF FALSE IDENTIFICATION FRAUD ON PROGRAMS THAT INVOLVE PAYMENTS TO SELECTED INDIVIDUALS BY STATE, LOCAL, AND FEDERAL GOVERNMENTS. FOUR AREAS, EACH OF WHICH INVOLVES PROGRAMS OF NATIONAL SCOPE, WERE INVESTIGATED BY THE JUSTICE DEPARTMENT'S FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION. THESE AREAS INCLUDED THE FOLLOWING: (1) AID TO FAMILIES WITH DEPENDENT CHILDREN; (2) MEDICAID; (3) THE FOOD STAMP PROGRAM; AND (4) FOUR PROGRAMS ADMINISTERED BY THE SOCIAL SECURITY ADMINISTRATION. GOVERNMENT PAYMENT PROGRAMS ARE SUBJECT TO FALSE IDENTIFICATION FRAUD IN BOTH THEIR 'APPLICATION' AND 'USE' PHASES. ALL THE PROGRAMS STUDIED BY THE COMMITTEE REQUIRE SOME SORT OF APPLICATION FOR FUTURE BENEFITS. DURING THIS APPLICATION PHASE, APPLICANTS ARE ASKED TO IDENTIFY THEMSELVES AND ANY BENEFICIARIES ON WHOSE BEHALF PROGRAM BENEFITS ARE SOUGHT. THE TYPES OF IDENTIFICATION DOCUMENTS REQUIRED BY STATE AGENCIES WERE FOUND TO VARY WIDELY, RANGING FROM NONE AT ALL TO A SELF-CONSISTENT SET OF OFFICIAL DOCUMENTS. THE MOST COMMON DOCUMENTS USED IN FRAUD SITUATIONS APPEARED TO BE BIRTH CERTIFICATES, DRIVER'S LICENSES, AND SOCIAL SECURITY CARDS. FRAUDULENT DOCUMENTS ARE OBTAINED IN A NUMBER OF WAYS. BIRTH CERTIFICATES ARE USUALLY GENUINE DOCUMENTS THAT HAVE BEEN ALTERED AND PHOTOCOPIED. DRIVER'S LICENSES ARE USUALLY GOTTEN THROUGH THEFT AND SOCIAL SECURITY CARDS BY ESTABLISHING FALSE ACCOUNTS. FALSE IDENTIFICATIONS HAVE BEEN USED IN THE 'USE' PHASE WHEN PERSONS FRAUDULENTLY ASSUME THE IDENTITY OF OTHERS TO COLLECT THEIR BENEFITS. THIS MOST COMMONLY OCCURS IN THE CASHING OF STOLEN GOVERNMENT CHECKS OR FOOD STAMPS. APPARENTLY, MANY BANKS AND BUSINESSES ARE WILLING TO CASH THESE WITHOUT ADEQUATE IDENTIFICATION OF THE ENDORSER. TABULAR DATA ARE INCLUDED.
Availability: JOHN WILEY AND SONS, 605 THIRD AVENUE, NEW YORK NY 10016.

34. **J. D. DOUGLAS and J. M. JOHNSON. OFFICIAL DEVIANCE—READINGS IN MALFEASANCE, MISFEASANCE, AND OTHER FORMS OF CORRUPTION.** 429 p. 1977. **NCJ-40796**
AN ANTHOLOGY CONTAINING 36 SELECTIONS WHICH ADDRESS THE MEANINGS, FORMS, IMPACTS, AND SOLUTIONS OF DEVIANCE AND CRIMINALITY IN GOVERNMENT AND PUBLIC SERVICES. TWO ARTICLES EXAMINING THE NATURE OF POLITICAL CORRUPTION AND THE DEFINITIONS AND CRITERIA OF CORRUPTION ARE FIRST PRESENTED. THE MANY FORMS OF OFFICIAL DEVIANCE ARE THEN EXAMINED, FROM PROBLEMS OF CITY GOVERNMENT, ABUSES BY FEDERAL INTELLIGENCE AGENCIES, AND THE WATERGATE SCANDAL TO DEVIANCE IN REGULATORY AGENCIES, POLICE CORRUPTION, AND ABUSES IN THE CONTROL OF CIVIL DISORDERS. FINALLY, A NUMBER OF ARTICLES PROVIDING EXPLANATIONS AND PROPOSED SOLUTIONS TO THE PROBLEMS OF OFFICIAL DEVIANCE ARE INCLUDED.
Availability: J B LIPPINCOTT, EAST WASHINGTON SQUARE, PHILADELPHIA PA 19105.

35. **N. DUCHAINE. LITERATURE OF POLICE CORRUPTION, V 2—A SELECTED, ANNOTATED BIBLIOGRAPHY.** JOHN JAY PRESS, 444 WEST 56TH STREET, NEW YORK NY 10019. 200 p. 1979. **NCJ-57132**
A SELECTED, ANNOTATED BIBLIOGRAPHY IS PROVIDED OF SOME 650 FOREIGN AND DOMESTIC BOOKS, JOURNALS ARTICLES, AND ACADEMIC AND GOVERNMENT REPORTS PUBLISHED BETWEEN 1891 AND 1979 ON POLICE AND POLITICAL CORRUPTION. RECOMMENDED FOR USE BY STUDENTS AND TEACHERS AT THE COLLEGE LEVEL, THIS WORK IS THE SECOND AND CONCLUDING VOLUME OF AN EXTENDED LITERATURE SEARCH WHICH RESULTED, INITIALLY, IN A 1966 PUBLICATION FOCUSING MAINLY ON THE HISTORICAL AND EARLY MODERN LITERATURE ON POLICE CORRUPTION, THEORETICAL ATTEMPTS TO EXPLAIN IT, AND MANAGERIAL EFFORTS TO ELIMINATE IT (SEE NCJ-44274). IN ADDITION TO CITING SELECTED HISTORICAL WORKS, THE PRESENT VOLUME DEALS WITH MORE CONTEMPORARY PUBLICATIONS ON THESE SUBJECTS. DEFINITIONS, TYPOLOGIES, AND THE STAGES, EXTENT, AND IMPACT OF POLICE CORRUPTION OR BRIBERY ARE DEALT WITH IN JOURNALISTIC ACCOUNTS, MEMOIRS, SURVEYS, FIELD STUDIES, AS WELL AS REPORTS OF OFFICIAL INVESTIGATIONS. CORRUPTION'S SOCIAL SETTINGS AND ORGANIZATIONAL, PSYCHOLOGICAL, INTERACTIONAL, STRUCTURAL, AND SUBCULTURAL APPROACHES TO IT ARE EXAMINED, ALONG WITH CONTROL STRATEGIES INVOLVING ORGANIZATIONAL OR LEGALISTIC APPROACHES, INTERNAL INVESTIGATIONS, PERSONNEL POLICIES, PROFESSIONALISM, AND CITIZEN COMPLAINT PROCEDURES. CITATIONS ARE ARRANGED ALPHABETICALLY WITHIN THESE SUBJECT AREAS AND ARE INDEXED BY BOTH SUBJECT AND AUTHOR.
Availability: JOHN JAY PRESS, 444 WEST 56TH STREET, NEW YORK NY 10019.

36. **T. FLETCHER, P. GORDON, and S. HENTZELL. ANTICORRUPTION STRATEGY FOR LOCAL GOVERNMENTS.** SRI INTERNATIONAL, 333 RAVENSWOOD AVENUE, MENLO PARK CA 94025. 67 p. 1979. **NCJ-58524**
THIS REPORT DESCRIBES A COUNTERCORRUPTION STRATEGY THAT CAN BE IMPLEMENTED BY CITY ADMINISTRATORS

TO MONITOR THE PERFORMANCE OF EMPLOYEES AND TO INCREASE UNDERSTANDING OF WHAT CONSTITUTES CORRUPTION AND HOW TO AVOID IT. THE PROGRAM SUGGESTED HERE IS BASED ON THE FOLLOWING HYPOTHESES: (1) THE ATTRACTIVENESS OF AN OPPORTUNITY FOR CORRUPTION IS INVERSELY PROPORTIONAL TO ITS VISIBILITY; (2) THE ATTRACTIVENESS OF AN OPPORTUNITY FOR CORRUPTION IS LIKELY TO DROP AS MORE OFFICIALS BECOME ACTUALLY OR POTENTIALLY INVOLVED; AND (3) THE OPPORTUNITY FOR AN OFFICIAL TO ENGAGE IN A CORRUPT ACT WILL BE INCREASED BY STRUCTURES THAT INCREASE AUTONOMY, PROVIDE VAGUE DECISION RULES, OR POSE MINIMAL RISKS (LIMITED DETECTION CAPABILITIES OR LIGHT SANCTION POLICIES). THE APPROACH PROPOSED USES MANAGEMENT CONTROL, AUDIT PROCEDURES, TRAINING, AND INVESTIGATION, WITH A MANAGEMENT TEAM TO SEE THAT ALL THESE FUNCTIONS WORK TOGETHER AND WORK PROPERLY. THE COMBINATION IS CALLED AIMS, FOR ACCOUNTABILITY-INTEGRITY-MANAGEMENT SYSTEMS. THE PROPOSED SYSTEM CAN BE USED FOR ALL OF THOSE IN THE PUBLIC EMPLOY, BUT IS AIMED PARTICULARLY AT THOSE IN STATE AND LOCAL GOVERNMENT (WHETHER ELECTED, APPOINTED, OR HIRED) AND WHETHER THEY WISH TO ADOPT THE PROGRAM FROM THE TOP OF THE ORGANIZATION OR AT MIDLEVEL. THE PURPOSE OF THE SYSTEM IS TO ENSURE ACCOUNTABILITY (RESPONSIBILITY FOR CONDUCT AND OBLIGATIONS) AND INTEGRITY (TRUSTWORTHINESS AND PUBLIC RESPONSIBILITY). THE ETHICAL BASIS FOR THE HANDBOOK IS PRESENTED, ALONG WITH INSTRUCTIONS ON HOW TO INSTALL AN AIMS SYSTEM, HOW TO ESTABLISH MANAGEMENT CONTROL, AN AUDIT CONTROL, TRAINING, AND AN INVESTIGATIVE ARM. POTENTIAL OBSTACLES ARE IDENTIFIED AND SUGGESTIONS ARE GIVEN ON HOW TO DEAL WITH THEM. AN APPENDIX PROVIDES A CHART OF THE RANGE OF CONCERNS ENCOMPASSED BY 'ETHICS AND THE PUBLIC SERVICE.' REFERENCES ARE INCLUDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: GPO. Stock Order No. 027-000-00836-4.

37. **J. A. GARDINER, T. R. LYMAN, and S. A. WALDHORN. CORRUPTION IN LAND USE AND BUILDING REGULATION, V 1 AN INTEGRATED REPORT OF CONCLUSIONS.** SRI INTERNATIONAL, 333 RAVENSWOOD AVENUE, MENLO PARK CA 94025. 120 p. 1979. **NCJ-47543**

TO PROVIDE A DETAILED UNDERSTANDING OF LOCAL GOVERNMENT CORRUPTION IN LAND USE AND BUILDING REGULATIONS, A 2-YEAR STUDY WAS CONDUCTED WITH LITERATURE SEARCHES, ANALYZED CASES, AND STUDIES COMMISSIONED BY EXPERTS IN THE FIELD. THIS VOLUME, THE FIRST IN A SIX-VOLUME SERIES, INTEGRATES THE FINDINGS AND CONCLUSIONS OF THE SURVEY. IT PRESENTS AN OVERVIEW OF THE PROBLEM, DEFINES CORRUPTION, AND PROVIDES AN ESTIMATE OF ITS EXTENT. IT CONCLUDES THAT THE PROBLEM IS WIDESPREAD AND THAT THE PRESENCE OR ABSENCE OF CORRUPTION IS, IN PART, A REFLECTION OF THE WAYS IN WHICH A COMMUNITY RESPONDS TO CORRUPTION AS IT OCCURS. A BASIC INTRODUCTION TO THE LAND USE AND BUILDING REGULATION SYSTEM IS PRESENTED, AND DESCRIPTIONS ARE PROVIDED OF THE MECHANISMS FOR PLANNING, ZONING, AND ENFORCING BUILDING AND HOUSING CODES. AN ANALYSIS IS ATTEMPTED OF HOW AND WHY CORRUPTION OCCURS, WITH ATTENTION TO THE OPPORTUNITIES AND INCENTIVES FOR CORRUPTION. THESE INCENTIVES ARE EXAMINED FROM THE STANDPOINT OF BOTH THE ZONING OR LAND USE APPLICANT AND THE OFFICIAL IN CONTROL OF THE REGULATORY PROCESS. POSSIBLE REMEDIES FOR CORRUPTION ARE ALSO PRESENTED. BASIC PRINCIPLES WHICH CAN HELP IDENTIFY POTENTIAL CORRUPTION PROBLEMS AND FORMULATE STRATEGY TO CONTROL THEM ARE OFFERED. THE ROLES OF REGULATORY REFORM, IMPROVED MANAGEMENT SYSTEMS, LEGISLATION, AND CITIZEN INVOLVEMENT IN FIGHTING CORRUPTION ARE ALSO EXAMINED. EACH CHAPTER CONTAINS AN EXTENSIVE LIST OF REFERENCES. TABULAR INFORMATION IS PRESENTED, INCLUDING CITIZENS' ESTIMATES OF THE EXTENT OF BRIBERY AND OTHER ILLEGAL ACTIVITIES (BASED ON DATA COLLECTED AS PART OF THE URBAN OBSERVATORY PROGRAM OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT), A GEOGRAPHICAL DISTRIBUTION OF REPORTED CORRUPTION CASES, A DISTRIBUTION OF REPORTED CORRUPTION CASES BY TYPE OF GOVERNMENT, AND A DIAGRAM OF DECISIONS AND PARTICIPANTS IN LAND USE AND BUILDING REGULATION CASES. APPENDIXES SHOW THE RESEARCH METHODOLOGY USED IN THE STUDY OF OFFICIAL CORRUPTION AND THE PROCESS MODELS USED. FOR RELATED INFORMATION, SEE NCJ-58526, 58523, 58524, AND 58525.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: GPO. Stock Order No. 027-000-00832-1.

38. **J. A. GARDINER, T. R. LYMAN, and S. A. WALDHORN. CORRUPTION IN LAND USE AND BUILDING REGULATION, V 2 APPENDIX—CASE STUDIES OF CORRUPTION AND REFORM.** SRI INTERNATIONAL, 333 RAVENSWOOD AVENUE, MENLO PARK CA 94025. 152 p. 1979. **NCJ-58526**

CASE STUDIES OF NINE COMMUNITIES WITH CORRUPTION PROBLEMS AND ONE DOCUMENTED ABSENCE-OF-CORRUPTION CASE ARE PRESENTED IN THIS SECOND VOLUME OF A SERIES DEALING WITH LOCAL CORRUPTION IN LAND USE AND BUILDING REGULATIONS. EACH OF THE DOCUMENTED CASE STUDIES PRESENTED HERE PROVIDES INFORMATION ABOUT THE COMMUNITY AND ITS GOVERNMENTAL SYSTEM, THE STRUCTURE OF ITS LAND USE REGULATION SYSTEMS, MAJOR INSTANCES OF CORRUPTION, AND STEPS TAKEN BY THE COMMUNITIES TO PREVENT FUTURE CORRUPTION. THE INFORMATION FOR THE STUDIES WAS TAKEN FROM REVIEWS OF TRIAL TRANSCRIPTS, NEWSPAPER ACCOUNTS, AND DISCUSSIONS WITH OFFICIALS AND CITIZENS IN EACH COMMUNITY. THE ACCOUNTS ARE ILLUSTRATIVE RATHER THAN DEFINITIVE. THE CITIES WERE SELECTED BECAUSE THEY ILLUSTRATED PROBLEMS AND OPPORTUNITIES, AND BECAUSE OF THE AVAILABILITY AND ACCESSIBILITY OF INFORMATION ON THE CORRUPTION-INTEGRITY ISSUE. CITIES WITH SIMILAR PROBLEMS ARE LIKELY TO BE FOUND THROUGHOUT THE UNITED STATES. EVERY ATTEMPT WAS MADE TO COVER THE SAME PERIOD OF TIME, 1976 TO 1977, FOR EACH COMMUNITY, AND TO UNDERSTAND THE CONDITIONS AS THEY EXISTED DURING THE PERIOD OF STUDY AND DURING THE YEARS IMMEDIATELY PRECEDING IT. THE FIRST CASE STUDIES DEAL WITH CORRUPTION IN INSPECTION PROGRAMS: IN NEW YORK CITY, CORRUPTION INVOLVED HOUSING AND DEMOLITION INSPECTORS; IN CINCINNATI, OHIO, INSPECTORS REVIEWING FEDERALLY FINANCED REHABILITATION PROGRAMS WERE TAKING PAYOFFS FROM CONTRACTORS; IN BROWARD COUNTY, FLA., THE CORRUPTION WAS AMONG INSPECTORS SUPERVISING HOUSING DEVELOPMENTS; IN OKLAHOMA CITY, CORRUPTION IN THE LICENSING OF ELECTRICAL INSPECTORS AND THEIR SUBSEQUENT DEALINGS WITH BUILDERS WAS UNCOVERED. THE NEXT FOUR CASES FOCUS ON LAND USE DECISIONS: THE AWARDING OF ZONING VARIANCES IN EAST PROVIDENCE, R.I., USE PERMITS IN SAN DIEGO COUNTY, CALIF., AND ZONING APPLICATIONS IN SANTA CLARA, CALIF., AND HOFFMAN ESTATES, ILL. CORRUPTION AND REFORM ARE STUDIED IN FAIRFAX COUNTY, VA. THE FINAL CASE STUDY, ARLINGTON HEIGHTS, ILL., DIFFERS FROM THE OTHERS, BECAUSE THE COMMUNI-

TY DID NOT EXPERIENCE ANY OF THE CORRUPTION THAT WAS COMMON IN NEIGHBORING TOWNS; THE FOCUS OF THE CASE STUDY IS ON WHY THIS PATTERN OF INTEGRITY DEVELOPED AS IT DID. FOR RELATED INFORMATION, SEE NCJ-47543.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: GPO. Stock Order No. 027-000-00833-0.

39. **J. A. GARDINER and D. J. OLSON, Eds. THEFT OF THE CITY—READINGS ON CORRUPTION IN URBAN AMERICA.** 447 p. 1974. **NCJ-15252**

EXAMINATION OF THE DIFFERENT ASPECTS OF MUNICIPAL CORRUPTION, INCLUDING THE INFLUENCE OF ORGANIZED CRIME, POLICE CORRUPTION, AND MISCONDUCT BY ELECTED AND APPOINTED GOVERNMENT OFFICIALS. THE READINGS THAT CONSTITUTE THE THEFT OF THE CITY HAVE BEEN ORGANIZED INTO THREE MAIN CATEGORIES. THE FIRST SELECTION DEALS WITH THE DEFINITION OF CORRUPTION. IT IS OFTEN DIFFICULT, BOTH FACTUALLY AND CONCEPTUALLY, TO IDENTIFY THE ACTS THAT ARE BASED UPON CORRUPT MOTIVES OR TO SORT OUT THE CORRUPT FROM THE LEGITIMATE MOTIVES IN A PARTICULAR ACT. THESE READINGS SUGGEST CRITERIA FOR MAKING THESE DECISIONS AND DESCRIBE CLASSIC EXAMPLES OF URBAN CORRUPTION. THE SELECTIONS IN PART II IDENTIFY THE TARGETS OF CORRUPTION. ONE OF THE TARGETS (ESPECIALLY OF ORGANIZED CRIME) IS THE IMMOBILIZATION OF THE ANTI-CORRUPTION LAW ENFORCEMENT MACHINERY OF THE POLICE DEPARTMENTS AND THE COURTS. GRAFT AND KICKBACKS INVOLVING GOVERNMENT CONTRACTS ARE ALSO DISCUSSED IN THIS SECTION. ONE OF THE SELECTIONS THAT IS INCLUDED IS 'KICKBACKS ON ENGINEERING CONTRACTS IN MARYLAND' IN WHICH THE PROSECUTING U.S. ATTORNEY DETAILS FORMER VICE-PRESIDENT AGNEW'S ROLE IN THE SCANDAL THAT LED TO HIS RESIGNATION. PART III DEALS WITH THE CAUSES AND THE COSTS OF CORRUPTION. THESE READINGS ARE DIVIDED CONCERNING WHO IS RESPONSIBLE FOR CORRUPTION—THE INDIVIDUAL PERPETRATOR OR OUR SOCIAL SYSTEM. (AUTHOR ABSTRACT MODIFIED)

Availability: INDIANA UNIVERSITY PRESS, TENTH AND MORTON STREETS, BLOOMINGTON IN 47401.

40. **J. GETZELS and C. THUROW. ZONING REFORMS—MINIMIZING THE INCENTIVE FOR CORRUPTION—AN ANALYSIS.** SRI INTERNATIONAL, 333 RAVENSWOOD AVENUE, MENLO PARK CA 94025. 57 p. 1979. **NCJ-58525**

SOURCES OF CORRUPTION IN THE THEORY AND PRACTICE OF ZONING ARE EXAMINED, AND SUGGESTIONS FOR REFORM ARE DISCUSSED IN THIS FOURTH VOLUME OF A SERIES DEALING WITH CORRUPTION IN LAND USE AND BUILDING REGULATIONS. CURRENT ZONING PRACTICE IS BASED ON THE RELATIVELY RIGID EUCLIDEAN SYSTEM, ESTABLISHED DURING THE EARLY YEARS OF THE CENTURY, TO PRESCRIBE LAND USES AND DENSITY REGULATIONS IN ADVANCE OF LAND DEVELOPMENT. TO ADD FLEXIBILITY TO THIS SYSTEM, THREE STANDARD ZONING TECHNIQUES HAVE BEEN INTRODUCED OVER THE YEARS--PARCEL REZONING, VARIANCES, AND SPECIAL USE PERMITS. IN ADDITION TO THESE TRADITIONAL MEANS OF ADJUSTING EUCLIDEAN ZONING, THE NEWER TECHNIQUES OF PERFORMANCE STANDARDS ZONING, INCENTIVE ZONING, AND NEGOTIATED ZONING OPERATE SIMULTANEOUSLY WITH THE EUCLIDEAN SYSTEM AND TEND TO INCREASE THE DISCRETIONARY POWER OF THE INDIVIDUALS ADMINISTERING THEM. ALTHOUGH THESE DISCRETIONARY JUDGMENTS ARE OFTEN BLAMED FOR CORRUPT PRACTICES, MORE FUNDAMENTAL PROBLEMS INVOLVE SECRECY AND LACK OF ACCOUNTABILITY, INCREASING COMPLEXITY OF ADMINISTRATION, LACK OF STANDARDS, AND LAND SPECULATION. SPECIFIC PROPOSALS FOR REFORM TO MEET EACH OF THESE PROBLEMS ARE DISCUSSED. FOR EXAMPLE, SORTING OUT AND SEPARATING LEGISLATIVE AND ADMINISTRATIVE ROLES RELATED TO REZONING, AS SUGGESTED IN FASANO V. WASHINGTON (1973) CAN PROVIDE THE NECESSARY ACCOUNTABILITY; AND THE INSTITUTION OF GOOD MANAGEMENT PRACTICES CAN RELIEVE THE LENGTHY PROCEDURES AND ASSIST INEXPERIENCED PERSONNEL TO ADMINISTER LAND USE DECISIONS. FINALLY, PUBLIC SCRUTINY AND PUBLIC PARTICIPATION APPEAR TO BE THE BEST PROTECTION AGAINST CORRUPTION. REFERENCE NOTES ARE PROVIDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: GPO. Stock Order No. 027-000-00835-6.

41. **D. HARRIS, T. A. KENNELLY, M. D. MALTZ, R. A. NOSSEN, and W. M. PHILLIPS. NEW JERSEY—OFFICE OF THE ATTORNEY GENERAL—EVALUATION AND TECHNICAL ASSISTANCE STUDY OF OFFICIAL CORRUPTION CONTROL BUREAU—CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT.** AMERICAN UNIVERSITY LAW SCHOOL INSTITUTE FOR ADVANCED STUDIES IN JUSTICE, 4900 MASSACHUSETTS AVENUE, NW, WASHINGTON, DC 20016. 99 p. 1976. **NCJ-41950**

THIS TECHNICAL ASSISTANCE REPORT DETAILS THE RESULTS OF AN EVALUATION OF THE OFFICIAL CORRUPTION CONTROL BUREAU UNDERTAKEN TO FURNISH LEAA WITH INFORMATION ON ITS EFFECTIVENESS AND TO SUGGEST IMPROVEMENTS IN OPERATION. DATA FOR THE EVALUATION WERE OBTAINED FROM SITE VISITS, INTERVIEWS WITH BUREAU MEMBERS, AND EXAMINATION OF RELEVANT DOCUMENTATION. A GENERAL BACKROUND ON NEW JERSEY HISTORY AND THE CRIMINAL JUSTICE SYSTEM IN NEW JERSEY IS FIRST PROVIDED TO EXPLAIN THE STRUCTURAL AND OPERATIONAL DIFFICULTIES ENCOUNTERED BY THE BUREAU WHICH GAVE RISE TO THIS EVALUATION. A SHORT HISTORY OF THE OFFICIAL CORRUPTION CONTROL BUREAU IS THEN PROVIDED, AND THIS IS FOLLOWED BY AN ANALYSIS OF THE EVALUATION FINDINGS. IT WAS SHOWN, FOR EXAMPLE, THAT THE BUREAU HAD NOT FULFILLED ITS ORIGINAL PURPOSES AS OUTLINED IN THE GRANT PROPOSAL, AND THAT THE BUREAU WAS OF VALUE IN SPITE OF ITS LIMITATIONS. IMPROVEMENTS IN THE PROGRAM MANAGEMENT, STAFFING, AND TRAINING ARE RECOMMENDED. IN PARTICULAR, IT IS STRONGLY RECOMMENDED THAT THE BUREAU DEVELOP ITS INTELLIGENCE CAPABILITY AND IMPROVE ITS RELATIONSHIPS WITH OTHER AGENCIES CONCERNED WITH ORGANIZED CRIME AND OFFICIAL CORRUPTION, AS THESE TWO FACTORS WERE PRIMARY CAUSES OF THE BUREAU'S DEFICIENCIES.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

42. **A. G. LANGE. FRAUD AND ABUSE IN GOVERNMENT BENEFIT PROGRAMS.** UNIVERSITY CITY SCIENCE CENTER, 1717 MASSACHUSETTS AVENUE, NW, WASHINGTON DC 20036. 256 p. 1979. **NCJ-60519**

A STUDY OF FRAUD AND ABUSE CONTROL ISSUES IN 15 GOVERNMENT BENEFIT PROGRAMS IS DOCUMENTED. THE STUDY INVOLVED INTERVIEWS WITH 134 FEDERAL, STATE, AND LOCAL PROGRAM ADMINISTRATORS, FRAUD INVESTIGATORS, PROSECUTORS, QUALITY CONTROL OFFICIALS, AND OTHERS CHARGED WITH RESPONSIBILITY FOR BENEFIT PROGRAM OPERATIONS, INTEGRITY, AND CONTROL, PLUS QUESTIONNAIRE SURVEYS OF STATE ATTORNEYS GENERAL AND 123 OTHER STATE OFFICIALS. IT WAS FOUND THAT THE MOST COMMON OFFENSE--MISREPRESENTATION OF ELIGIBILITY--WAS BEING COMMITTED BY RECIPIENTS, PROGRAM SPONSORING AGENCIES, AND THIRD-PARTY PROVID-

ERS. DIFFERENT TYPES OF PROGRAM BENEFITS WERE FOUND TO BE VULNERABLE TO DIFFERENT ABUSES, ALTHOUGH CERTAIN POINTS OF VULNERABILITY WERE COMMON TO ALL TYPES OF BENEFITS. THERE WAS SOME EVIDENCE OF A LINK BETWEEN LEVEL OF FRAUD/ABUSE DETECTION AND BOTH STAFF-CLIENT RATIO (WITH STAFF TRAINING AS A MEDIATING VARIABLE) AND PRESENCE OR ABSENCE OF STATISTICS ON FRAUD AND ABUSE. ENFORCEMENT EFFORTS WERE FOUND TO BE SUFFERING FROM AN AD HOC, REACTIVE POSTURE. TEN GENERAL STRATEGIES FOR FRAUD AND ABUSE CONTROL WERE IDENTIFIED: EDUCATION/TRAINING, LEGISLATIVE SUPPORT, QUALITY CONTROL, INVESTIGATION, FINANCIAL AUDITING, HARASSMENT, CIVIL AND CRIMINAL PROSECUTIONS, ADMINISTRATIVE ADJUDICATIONS AND REMEDIES, ORGANIZATIONAL REDESIGN, AND RESEARCH. THE DANGERS OF EMPLOYING THESE STRATEGIES, EITHER SINGLY OR IN COMBINATION, WITHOUT ANALYZING THEIR STRENGTHS AND WEAKNESSES ARE POINTED OUT, AS ARE SHORTCOMINGS IN EFFORTS TO COMPUTERIZE BENEFIT PROGRAM OPERATIONS. RECOMMENDATIONS ARE DIRECTED TO LEGISLATORS, PROGRAM ADMINISTRATORS, AND PROGRAM ENFORCEMENT STAFF. DETAILED SUPPORTING MATERIALS, INCLUDING PROGRAM PROFILES AND SURVEY INSTRUMENTS, ARE APPENDED. A SUMMARY, SUPPORTING DATA, A BIBLIOGRAPHY, AND A GLOSSARY ARE PROVIDED. THE FOLLOWING PROGRAMS ARE INCLUDED IN THE STUDY: FOOD STAMPS, SUMMER FOOD SERVICE PROGRAM FOR CHILDREN, RURAL HOUSING, MEDICARE, MEDICAID, AID TO FAMILIES WITH DEPENDENT CHILDREN, VOCATIONAL EDUCATION, REHABILITATION HOUSING LOANS, FEDERAL DISASTER ASSISTANCE, UNEMPLOYMENT INSURANCE, COMPREHENSIVE EMPLOYMENT AND TRAINING PROGRAM, MINORITY BUSINESS DEVELOPMENT, PHYSICAL DISASTER LOAN ASSISTANCE, VETERANS EDUCATIONAL ASSISTANCE, AND VETERANS HOME LOAN GUARANTY PROGRAM.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: GPO. Stock Order No. 027-000-00855-1.

43. **T. R. LYMAN, T. W. FLETCHER, and J. A. GARDINER. PREVENTION, DETECTION, AND CORRECTION OF CORRUPTION IN LOCAL GOVERNMENT—A PRESENTATION OF POTENTIAL MODELS.** SRI INTERNATIONAL, 333 RAVENSWOOD AVENUE, MENLO PARK CA 94025. 93 p. 1978. **NCJ-50199**

THIS REPORT FOCUSES ON THE EXPERIENCE OF LOCAL GOVERNMENT AGENCIES AND CITIZENS' GROUPS IN PREVENTING AND RESPONDING TO PROBLEMS OF OFFICAL CORRUPTION. THE PROBLEM OF LOCAL GOVERNMENT CORRUPTION AND FACTORS IN DIAGNOSING AND FIGHTING IT THROUGH LAWS AND POLICIES ARE CONSIDERED ALONG WITH MANAGERIAL, ADMINISTRATIVE, AND EXTERNAL REMEDIES. THE SCOPE, COST, AND CHARACTER OF LOCAL GOVERNMENT CORRUPTION ARE OUTLINED. WHERE AND HOW TO START LOOKING FOR CORRUPTION AND WHAT TO LOOK FOR (I.E., MANAGEMENT PRACTICES, ELECTED AND APPOINTED OFFICIALS, RECORDS AND ACTIONS, ATTITUDES AND CLIMATES OF OPINION) ARE DISCUSSED AND SUBJECTIVE INDICATORS OF POSSIBLE CORRUPTION ARE IDENTIFIED. THE ROLE OF LAWS AND POLICIES IN THE FIGHT AGAINST CORRUPTION IS REVIEWED WITH ATTENTION TO THE FOLLOWING: WHAT LAWS, FORMAL POLICIES, AND WRITTEN RULES CAN DO; CODES OF ETHICS; CONFLICT OF INTEREST LEGISLATION; DISCLOSURE POLICIES; DECLARATION OF INTEREST AND RELATED POLICIES; OPEN MEETING POLICIES; CAMPAIGN FINANCE REGULATIONS; AND IMPLEMENTING LAWS, REGULATIONS, AND POLICIES. FOLLOWING A DISCUSSION OF REMEDIES IN MANAGEMENT AND ADMINISTRATION, EXTERNAL SOURCES OF CORRUPTION CONTROL ARE EXAMINED, INCLUDING CITIZEN WATCHDOG GROUPS, INVESTIGATIVE JOURNALISM, AND PUBLIC INTEREST ORGANIZATIONS AND PROFESSIONAL ASSOCIATIONS. APPENDED MATERIALS INCLUDE A MODEL CODE OF ETHICS, AN EXAMPLE OF A FINANCIAL DISCLOSURE FORM, SAMPLE POLICIES REGARDING THE CONDUCT OF PUBLIC HEARINGS. TABLES DETAIL VARIETIES OF CORRUPTION, THE COST OF BRIBES, CORRUPTION SCENARIOS, DIAGNOSTIC CHECKLISTS AND INDICATORS, A SAMPLE SURVEY INSTRUMENT, THE INVESTIGATORY PROCESS, AND RELATED INFORMATION. A BIBLIOGRAPHY IS PROVIDED.

Supplemental Notes: PROGRAM MODELS.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: GPO Stock Order No. 027-000-00736-8; NCJRS MICROFICHE PROGRAM.

44. **MACING AND EXTORTION IN THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION, JULY 1978.** 81 p. 1978. **NCJ-49059**

PATTERNS OF KICKBACKS, EXTORTED POLITICAL CONTRIBUTIONS, AND THE USE OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR PATRONAGE IS DETAILED IN THIS CRIME COMMISSION'S INVESTIGATIVE REPORT. BECAUSE THE INVESTIGATION RESULTED IN CRIMINAL INDICTMENTS, THIS REPORT WAS HELD BACK UNTIL ALL CRIMINAL TRIALS WERE CONCLUDED. MOST OF THE WORK WAS FINISHED IN 1976; BUT THE REPORT WAS ISSUED IN JULY 1978. THE EPILOGUE DETAILS 23 CONVICTIONS OR GUILTY PLEAS RESULTING FROM THE INFORMATION DEVELOPED. THE REPORT ITSELF GIVES THE HISTORY OF THE INVESTIGATION, BEGINNING IN THE SUMMER OF 1974 WHEN A SELECT COMMITTEE ON STATE CONTRACT PRACTICES OF THE PENNSYLVANIA HOUSE OF REPRESENTATIVES UNCOVERED PATTERNS OF CONTRACTOR KICKBACKS. THE CRIME COMMISSION TOOK OVER IN 1975. BECAUSE OF THE INTENSIVE WORK REQUIRED, THE COMMISSION DECIDED TO LIMIT ITS INVESTIGATION TO THE DISTRICTS OF CAMBRIA, ALLEGHENY, AND MONTOUR COUNTIES. IT FOUND THAT THE DEPARTMENT OF TRANSPORTATION OWNED VERY LITTLE OF ITS HEAVY ROAD BUILDING AND MAINTENANCE EQUIPMENT. INSTEAD, MOST WAS LEASED FROM FAVORED CONTRACTORS, WHO WERE USUALLY REQUIRED TO MAKE CASH CONTRIBUTIONS AMOUNTING TO 10 PERCENT OF THE LEASE AGREEMENT TO THE LOCAL DEMOCRATIC PARTY. EMPLOYEES WERE EXPECTED TO PAY A KICKBACK OF 2 PERCENT OF THEIR WEEKLY WAGES. THOSE WHO DID NOT COMPLY WERE OFTEN THREATENED WITH LOSS OF THEIR CONTRACTS OR JOBS. THE REPORT CONTAINS EXCERPTS FROM TESTIMONY, A SUMMARY OF DOCUMENTS EXAMINED, A DISCUSSION OF DIFFICULTIES ENCOUNTERED, AND A LISTING OF PERSONS CONSULTED. IT IS HEAVILY FOOTNOTED. RECOMMENDATIONS ARE MADE FOR REFORM, INCLUDING EXTENDING CIVIL SERVICE PROTECTION TO ALL DEPARTMENT OF TRANSPORTATION EMPLOYEES, BANNING ALL POLITICAL ACTIVITY AND COLLECTION OF CONTRIBUTIONS ON DEPARTMENT PROPERTY, REQUIRING LESSOR PAYMENT CHECKS TO BE COMPUTED IN THE STATE COMPTROLLER'S OFFICE AND MAILED DIRECTLY TO LESSORS AND REQUIRING COMPETITIVE BIDDING ON ALL DEPARTMENT OF TRANSPORTATION CONTRACTS. THE STATUS OF INDICTMENTS RESULTING FROM THE INVESTIGATION IS GIVEN.

Sponsoring Agency: PENNSYLVANIA CRIME COMMISSION, P O BOX 45, ST DAVIDS PA 19087.

Availability: NCJRS MICROFICHE PROGRAM.

45. **P. MANIKAS and D. PROTESS. ESTABLISHING A CITIZEN'S WATCHDOG GROUP.** SRI INTERNATIONAL, 333 RAVENSWOOD AVENUE, MENLO PARK CA 94025. 138 p. 1979. **NCJ-58523**

THIS MANUAL ON HOW TO ESTABLISH A CITIZEN'S GROUP TO EXPOSE CORRUPTION AND BRING PRESSURE FOR REFORM WAS PREPARED BY THE BETTER GOVERNMENT ASSOCIATION OF CHICAGO. WHERE CORRUPTION APPEARS TO BE ENTRENCHED IN A LOCAL GOVERNMENT IN THE AREAS OF LAND USE AND REGULATION, AND WHERE THE AFFECTED PART OF THE LOCAL GOVERNMENT SEES NO NEED FOR REFORM, CITIZEN ACTION CAN BE HIGHLY EFFECTIVE. CHICAGO'S BETTER GOVERNMENT ASSOCIATION (BGA) IS PRESENTED AS AN EXAMPLE, AND THE FOLLOWING HYPOTHESES ARE ADDRESSED: (1) THE ATTRACTIVENESS OF AN OPPORTUNITY FOR CORRUPTION IS INVERSELY PROPORTIONAL TO ITS VISIBILITY; (2) THE INCENTIVE FOR AN APPLICANT TO PARTICIPATE IN AN ACT OF CORRUPTION WILL BE MINIMIZED IF HE NOT ONLY BELIEVES THAT HIS PARTICIPATION WOULD BE WRONG, BUT THAT HIS REFUSAL TO PARTICIPATE WOULD BE SUPPORTED BY HIS COMPANY AND HIS COMMUNITY; (3) THE INCENTIVE OF AN OFFICIAL TO PARTICIPATE IN A CORRUPT ACT WILL BE INCREASED BY EXPERIENCES IN WHICH CORRUPTION WAS CONDONED; AND (4) AN OFFICIAL OR AN APPLICANT WILL HAVE AN INCENTIVE TO ENGAGE IN CORRUPTION WHEN THE ANTICIPATED GAINS FROM CORRUPTION, LESS ITS COST, EXCEED THE GAINS TO BE EXPECTED FROM LEGITIMATE ACTIVITIES, LESS THEIR COST. REASONS FOR ESTABLISHING A CITIZEN WATCHDOG GROUP ARE OUTLINED, AND A BRIEF OVERVIEW OF THE BGA AND ITS HISTORY IS PROVIDED. METHODS FOR ORGANIZING AND FINANCING A CITIZEN WATCHDOG GROUP AS WELL AS SUGGESTIONS FOR PROGRAMS AND ACTIVITIES ARE GIVEN. CASE HISTORIES OF SIX INVESTIGATIONS UNDERTAKEN BY THE BGA ARE DISCUSSED TO SHOW HOW THOSE PROGRAMS AND ACTIVITIES OPERATE IN PRACTICE. FINALLY, APPENDIXES INCLUDE AN ANNOTATED BIBLIOGRAPHY OF ADDITIONAL CASE MATERIALS, THE BYLAWS OF THE BGA AND THEIR INVESTIGATIVE GUIDELINES, AN IRS LETTER, AND AN EXAMPLE OF A BGA 'WHITE PAPER.'

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: GPO. Stock Order No. 027-000-00837-2.

46. **J. C. MEYER JR. NATURE AND INVESTIGATION OF POLICE OFFENSES IN THE NEW YORK CITY POLICE DEPARTMENT.** 469 p. 1976. **NCJ-41122**

STUDY REVEALS THE DEPTH AND CHARACTER OF POLICE CORRUPTION IN NEW YORK CITY. USING A SAMPLE OF 1,165 INVESTIGATIONS INTO POLICE CORRUPTION (AND OTHER FORMS OF SERIOUS POLICE WRONGDOING) WHICH WERE CONDUCTED DURING 1972 BY THE INTERNAL AFFAIRS DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT, THIS RESEARCH EXAMINED WHAT ONE POLICE AGENCY HAS DONE ABOUT INVESTIGATING POLICE CORRUPTION. TO ACCOMPLISH THIS, THE INTERNAL INVESTIGATION PROCESS WAS STUDIED AS AN 'OPEN SYSTEM,' THAT IS, ONE WHICH RECEIVES AND PROCESSES INFORMATION OR COMPLAINTS OF POLICE CORRUPTION. IN ORDER TO EXAMINE MORE MEANINGFULLY THE INTERNAL INVESTIGATION SYSTEM, A NUMBER OF TAXONOMIC METHODS WERE EMPLOYED TO DERIVE EMPIRICAL TYPES OF POLICE OFFENSES. THESE TYPES WERE THEN USED AS INPUTS TO A MODEL OF THE INVESTIGATION PROCESS TO DETERMINE WHAT EXTENT THE SYSTEM'S OUTPUT (THAT IS, WHAT HAPPENED TO CASES WHICH WERE INVESTIGATED) WAS A FUNCTION OF DECISIONS CONCERNING HOW INVESTIGATIONS WERE CONDUCTED, TACTICS EMPLOYED, OR INFORMATION IN THE COMPLAINTS WHICH HAD SET THE PROCESS INTO MOTION. WHEN EXAMINING THE SYSTEM IN THIS MANNER, IT WAS FOUND THAT ALTHOUGH THE COMPLAINT DATA WERE REMOTE FROM THE CASE OUTCOMES--OFTEN EXERTING ONLY INDIRECT EFFECTS ON THE RESULTS OBTAINED--THE SYSTEM'S OUTPUT WAS CLEARLY AFFECTED BY THE INFORMATION PRESENTED IN COMPLAINTS. ALTHOUGH PROACTIVE INVESTIGATIVE METHODS ALLOW THE DEPARTMENT SOME CONTROL OVER INPUTS AND, HENCE OUTPUTS, AN ANALYSIS OF THE SAMPLE OF PROACTIVE CASES REVEALED THAT SELF-INITIATED INVESTIGATIONS DID NOT UNCOVER SUBSTANTIALLY DIFFERENT FORMS OF POLICE MISBEHAVIOR THAN THOSE BROUGHT IN COMPLAINTS. PROACTION DID, HOWEVER, RESULT IN BRINGING CRIMINAL OR DISCIPLINARY ACTIONS AGAINST OFFICERS AT OVER TWICE THE RATE OBSERVED FOR COMPLAINT-INITIATED INVESTIGATIONS. (AUTHOR ABSTRACT)

Supplemental Notes: STATE UNIVERSITY OF NEW YORK AT ALBANY—DISSERTATION.

Availability: UNIVERSITY MICROFILMS, 300 NORTH ZEEB ROAD, ANN ARBOR MI 48106.

47. **N. MILLER. FOUNDING FINAGLERS.** 408 p. 1976. **NCJ-38720**

THE HISTORY OF CORRUPTION IN AMERICAN POLITICS AND GOVERNMENT IS TRACED FROM THE KIDNAPPING OF POCAHONTAS IN 1612 BY THE DEPUTY GOVERNOR OF THE JAMESTOWN COLONY TO THE TEAPOT DOME SCANDAL OF THE 1920'S. WITH THE EXCEPTION OF BOSS TWEED'S NEW YORK CITY OPERATIONS AND THE YAZOO LAND FRAUD, WHICH INVOLVED PRIMARILY MISSISSIPPI, ALABAMA, AND GEORGIA AS WELL AS INVESTORS IN OTHER PARTS OF THE COUNTRY, THE 'FOUNDING FINAGLERS' CONFINES ITSELF TO CORRUPTION OF A NATIONAL NATURE (PARTLY, ACCORDING TO THE AUTHOR, TO KEEP IT TO A MANAGEABLE LENGTH). SOME OF THE OTHER INFAMOUS EPISODES INVOLVE THE COLLABORATION BETWEEN THE GOVERNOR OF NEW YORK AND PIRATES IN THE 1690'S, GEORGE WASHINGTON'S LAND ACQUISITIONS, ANDREW JACKSON, ULYSSES S. GRANT, AND WARREN HARDING.

Availability: DAVID MCKAY, 750 THIRD AVENUE, NEW YORK NY 10017.

48. **NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609. GOVERNMENT PURCHASING AND THE ANTITRUST LAWS.** 58 p. 1977. **NCJ-41944**

THIS MANUAL REVIEWS FOR THE PURCHASING OFFICIAL THE VARIOUS STATE AND FEDERAL ANTITRUST LAWS WHICH AFFECT THE PUBLIC PROCUREMENT PROCESS AND THE PRACTICES WHICH HAVE BEEN FOUND TO BE ILLEGAL UNDER THOSE LAWS. METHODS OF DETECTING THESE VIOLATIONS ARE ALSO EXAMINED. IN ADDITION, OTHER CAUSES OF IDENTICAL BIDDING, METHODS OF MAXIMIZING COMPETITION IN THE BIDDING PROCESS, AND THE COORDINATION OF ANTITRUST ENFORCEMENT ACTIVITIES ARE CONSIDERED. THE MANUAL CONCLUDES WITH A DISCUSSION OF POSSIBLE VIOLATIONS OF THE ANTITRUST LAWS BY PURCHASING OFFICIALS. (AUTHOR ABSTRACT)

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609.

49. **NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT, 801 SECOND AVENUE, NEW YORK NY 10017. TICKET-FIXING—THE ASSERTION OF INFLUENCE IN TRAFFIC CASES—INTERIM REPORT, JUNE 20, 1977.** 25 p. 1977. **NCJ-48352**

AN INVESTIGATION BY THE NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT INTO TICKET-FIXING PRACTICES BY JUDGES IS OUTLINED. THE COMMISSION'S INVESTIGATION, WHICH INITIALLY INVOLVED ONE JUDGE WHO HAD ALLEGEDLY GRANTED FAVORABLE TREATMENT TO DEFENDANTS CHARGED WITH TRAFFIC VIOLATIONS, EXTENDED TO 38 COUNTIES AND IMPLICATED 250 JUDGES, PRIMARILY TOWN AND VILLAGE JUSTICES. THE COMMISSION'S EVIDENCE SHOWS THAT THESE JUDGES HAVE EITHER MADE RE-

QUESTS OF OTHER JUDGES FOR SPECIAL CONSIDERATION, GRANTED SUCH REQUEST, OR DONE BOTH. SOME HAVE GRANTED FAVORS REPEATEDLY; ONE JUDGE ACKNOWLEDGED OVER 500 FAVORS. THE COMMISSION HAS COPIES OF OVER 700 LETTERS REQUESTING THE DISMISSAL OR REDUCTION OF TRAFFIC-RELATED OFFENSES AS FAVORS FOR FRIENDS AND RELATIVES. IN SOME CASES, COURT RECORDS SHOW THE ORIGINAL CHARGE, THE REDUCED CHARGE, AND THE NAME OF THE PARTY REQUESTING A FAVOR. THE INTERIM REPORT SUMMARIZES THE COMMISSION'S FINDINGS, DESCRIBES TICKET-FIXING PRACTICES (REDUCTION OF CHARGES, OTHER FAVORS, BAIL FORFEITURES, ALTERATION OF SUMMONSES), AND CONSIDERS THE ILLEGALITY OF TICKET FIXING. JUDGES' TESTIMONY BEFORE THE COMMISSION IS DISCUSSED, THE ADVERSE CONSEQUENCES OF TICKET FIXING ARE POINTED OUT, AND PROSPECTS FOR REFORM ARE ASSESSED. THE COMMISSION'S INTENTION TO TAKE APPROPRIATE DISCIPLINARY STEPS AGAINST JUDGES FOUND TO HAVE ENGAGED IN TICKET FIXING IS NOTED.

Availability: NCJRS MICROFICHE PROGRAM.

50. **PENNSYLVANIA CRIME COMMISSION, P O BOX 45, ST DAVIDS PA 19087. PENNSYLVANIA CRIME COMMISSION—REPORT ON POLICE CORRUPTION AND THE QUALITY OF LAW ENFORCEMENT IN PHILADELPHIA.** 892 p. 1974. **NCJ-25640**

THE COMMISSION FOUND THAT POLICE CORRUPTION IN PHILADELPHIA IS ONGOING, WIDESPREAD, SYSTEMATIC, AND OCCURRING AT ALL LEVELS OF THE POLICE DEPARTMENT. CORRUPT PRACTICES WERE UNCOVERED DURING THE INVESTIGATION IN EVERY POLICE DISTRICT AND INVOLVED POLICE OFFICERS RANGING IN RANK FROM POLICEMAN TO INSPECTOR. SPECIFIC ACTS OF CORRUPTION INVOLVING IMPROPER CASH PAYMENTS TO THE POLICE BY GAMBLERS, RACKETEERS, BAR OWNERS, BUSINESSMEN, NIGHTCLUB OWNERS, AFTER-HOURS CLUB OWNERS, PROSTITUTES, AND OTHERS ARE DETAILED IN THE REPORT. MORE THAN 400 INDIVIDUAL POLICE OFFICERS ARE IDENTIFIED BY FIRST NAME, LAST INITIAL, AND BADGE OR PAYROLL NUMBER AS RECEIVING IMPROPER PAYMENTS IN TERMS OF CASH, MERCHANDISE, SEXUAL SERVICES, OR MEALS. THE COMMISSION ALSO REPORTS ON THE INVESTIGATIVE TECHNIQUES THAT WERE DEVELOPED DURING THE TWO-YEAR EFFORT. (AUTHOR ABSTRACT)

Availability: NCJRS MICROFICHE PROGRAM.

51. **J. ROEBUCK and S. C. WEEBER. POLITICAL CRIME IN THE UNITED STATES—ANALYZING CRIME BY AND AGAINST GOVERNMENT.** PRAEGER PUBLISHERS C/O HOLT, RINEHART, WINSTON, 383 MADISON AVENUE, NEW YORK NY 10017. 251 p. 1978. **NCJ-59367**

A TYPOLOGY OF POLITICAL CRIME--OFFENSES BY AND AGAINST GOVERNMENT--IN THE UNITED STATES FROM 1960 TO 1978 IS CONSTRUCTED IN A TEXT FOR STUDENTS OF CRIMINOLOGY, SOCIAL PROBLEMS, DEVIANCE, AND RELATED SUBJECTS. THE TYPOLOGY IS BASED PRIMARILY ON THE ACTION PATTERNS OF OFFENSES COMMITTED BY PERSONS OR GROUPS DURING THE NORMAL COURSE OF THEIR ACTIVITIES AS EMPLOYEES OR MEMBERS OF FORMAL ORGANIZATIONS. THUS, THE FOCUS IS ON CRIMINAL ORGANIZATIONAL PATTERNS RATHER THAN ON INDIVIDUAL CRIMINALITY. GOVERNMENT AND CORPORATE CRIMES ARE VIEWED AS A SINGLE UNIT OF POLITICAL CRIMINAL BEHAVIOR, A REFLECTION OF THE ASSUMPTION THAT THE GOVERNMENT IS AN EXTENSION AND INSTRUMENT OF THE ECONOMIC SYSTEM, WHICH IS DOMINATED BY THE CORPORATE STRUCTURE. A DISTINCTION IS MADE BETWEEN THE POLITICAL CRIMES OF GOVERNMENT AND CORPORATE (CAPITALIST) AGENTS ACTING AGAINST THE PEOPLE, AND THOSE OF PERSONS AND GROUPS ACTING AGAINST THE GOVERNMENT. THE FORMER CATEGORY INCLUDES ACTS THAT ARE CRIMINAL IN FOREIGN COUNTRIES BUT NOT IN THE UNITED STATES, ACTS THAT VIOLATE INTERNATIONAL LAW, ACTS DESIGNED TO EVADE ENFORCEMENT OF EXISTING RULES OR STATUTES, ACTS THAT ARE SOCIALLY INJURIOUS BUT BEYOND DETECTION BY THE PEOPLE, AND ACTS THAT CLEARLY VIOLATE ESTABLISHED STATUTES OR REGULATIONS. THE LATTER CATEGORY INCLUDES BOTH SYMBOLIC VIOLATIONS OF ESTABLISHED LAWS COMMITTED FOR POLITICAL REASONS (E.G., A BANK ROBBERY AS A GESTURE OF 'LIBERATION' FROM THE DOMINANCE OF CAPITALISM), AND THE VERY EXISTENCE OF CERTAIN ORGANIZATIONS (E.G.. THE SOCIALIST WORKERS PARTY) WHICH ARE NOT ILLEGAL BUT WHICH POSE A THREAT TO THE EXISTING POLITICAL AND ECONOMIC SYSTEM. THESE ACTIONS BY AND AGAINST GOVERNMENT ARE ASSIGNED TO THE FOLLOWING TYPES: DOMESTIC INTERVENTION BY GOVERNMENT, FOREIGN INTERVENTION BY GOVERNMENT, INTERVENTION AGAINST GOVERNMENT, DOMESTIC SURVEILLANCE, DOMESTIC CONFRONTATION, EVASION AND COLLUSION BY GOVERNMENT, AND EVASION AND COLLUSION AGAINST GOVERNMENT. EACH TYPE IS EXAMINED ALONG FOUR DIMENSIONS (ACTION PATTERNS, GOAL OF THE OFFENDER, LEGAL STATUS OF THE OFFENSE AND NATURE OF THE OFFENSE), WITH EXTENSIVE REFERENCE TO SPECIFIC INCIDENTS. SUBJECT AND NAME INDEXES AND A 24-PAGE BIBLIOGRAPHY ARE PROVIDED.

Availability: PRAEGER PUBLISHERS C/O HOLT, RINEHART, WINSTON, 383 MADISON AVENUE, NEW YORK NY 10017.

52. **S. ROSE-ACKERMAN. CORRUPTION—A STUDY IN POLITICAL ECONOMY.** 270 p. 1978. **NCJ-49674**

THE ROLE OF LEGISLATIVE AND BUREAUCRATIC CORRUPTION IN THE MIXED CAPITALIST SYSTEM IS SUBJECTED TO CRITICAL ECONOMIC ANALYSIS. THE OPENING CHAPTERS DEMONSTRATE HOW INCENTIVES FOR CORRUPTION DEPEND UPON POLITICAL COMPETITION, THE KNOWLEDGE OF VOTERS, AND THE ORGANIZATIONAL STRUCTURE OF LEGISLATURES, INTEREST GROUPS, AND BUREAUCRACIES. THE DISCUSSION OF THESE RELATIONSHIPS CONTRASTS OUTRIGHT BRIBERY WITH LEGAL CAMPAIGN CONTRIBUTIONS AND OTHER FORMS OF POLITICAL INFLUENCE. CORRUPTION AND THE MIXED ECONOMY, AGENCY RELATIONSHIPS AND FUNCTIONAL BRIBERY, AND HIGH AND LOW LEVEL CORRUPTION ARE DISCUSSED AND AN ECONOMIC ARGUMENT IS PRESENTED REGARDING THE TRADITIONAL DEMOCRATIC VIRTUES OF AN INFORMED CITIZENRY. THE LATTER SECTIONS CRITICALLY DISCUSS LEGAL AND ADMINISTRATIVE SANCTIONING STRATEGIES, AND EXPLORE POSSIBILITIES FOR BUREAUCRATIC REFORM. AN OVERVIEW OF LOW LEVEL BUREAUCRATIC CORRUPTION IS PROVIDED AND MONOPOLISTIC BUREAUCRACY, CORRUPTION IN REGULATORY AND SOCIAL PROGRAMS, VAGUENESS AND COERCION IN THE MARKET STRUCTURE, THE RELATIONSHIP BETWEEN CORRUPTION AND THE BUREAUCRATIC STRUCTURE, AND CORRUPTION AND THE PRIVATE SECTOR ARE DISCUSSED. THE ANALYSIS CONCLUDES WITH AN ASSESSMENT OF THE LINK BETWEEN POLITICAL AND ADMINISTRATIVE STRUCTURE, ON THE ONE HAND, AND MORAL SCRUPLES, IDEOLOGIES, AND PROFESSIONAL NORMS OF INDIVIDUAL AGENTS AND CITIZENS, ON THE OTHER. GRAPHIC AND TABULAR DATA ARE PROVIDED. A BIBLIOGRAPHY AND INDEX ARE PROVIDED. (AUTHOR ABSTRACT MODIFIED)

Sponsoring Agencies: YALE UNIVERSITY INSTITUTION FOR SOCIAL AND POLICY STUDIES, NEW HAVEN CT 06520; US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: ACADEMIC PRESS, INC, 111 FIFTH AVENUE, NEW YORK NY 10003.

53. **W. K. SCHRODER. ADMINISTRATIVE ACCOUNTABILITY MEASURES FOR THE PREVENTION OF MALPRACTICES IN GOVERNMENT (EMPHASIS ON NAVY DEPARTMENT EFFORTS).** 25 p. 1974. **NCJ-38845**
USING A DISCUSSION OF THE CODES AND STANDARDS FOR ETHICAL CONDUCT OF FEDERAL EMPLOYEES AS A BACKDROP, THIS PAPER FOCUSES ON RECENT EFFORTS WITHIN THE NAVY TO INSTITUTE POSITIVE PROGRAMS FOR PREVENTION OF FRAUD. THE STUDY IDENTIFIES FRAUD SUSCEPTIBLE AREAS WITH SPECIAL EMPHASIS ON THE PROCESSES OF ACQUISITION AND PROPERTY DISPOSAL. VARIOUS ALTERNATIVES ARE OFFERED FOR INITIATING, REVIEWING, AND CONTROLLING EFFECTIVE SYSTEMS OF CHECKS AND BALANCES. (AUTHOR ABSTRACT)
Availability: NCJRS MICROFICHE PROGRAM.

54. **W. N. SEYMOUR JR. UNITED STATES ATTORNEY—AN INSIDE VIEW OF 'JUSTICE' IN AMERICA UNDER THE NIXON ADMINISTRATION.** 248 p. 1975. **NCJ-30617**
THE AUTHOR, A FORMER U.S. ATTORNEY, DESCRIBES HOW ABUSE OF POWER AND POLITICIZATION PERVADED THE DEPARTMENT OF JUSTICE AND MANY GOVERNMENT AGENCIES DURING THE NIXON ADMINISTRATION. THE FEDERAL BUREAU OF INVESTIGATION AND INTERNAL REVENUE SERVICE WERE USED BY THE ADMINISTRATION FOR POLITICAL PURPOSES. FEDERAL NARCOTICS PROGRAMS BECAME ORIENTED TOWARD GENERATING PUBLICITY AND ENHANCING THE PERSONAL STATURE OF THOSE INVOLVED. THE AUTHOR RECOMMENDS THE REMOVAL OF FEDERAL LAW ENFORCEMENT FROM POLITICAL CONTROL, NUMEROUS CHANGES IN MANAGEMENT POLICY AT ALL LEVELS, AND INCREASED USE OF CIVIL ENFORCEMENT TECHNIQUES.
Availability: WILLIAM MORROW AND COMPANY, INC, 105 MADISON AVENUE, NEW YORK NY 10016.

55. **US COMPTROLLER GENERAL, 441 G STREET NW, WASHINGTON DC 20548. FEDERAL AGENCIES CAN, AND SHOULD DO MORE TO COMBAT FRAUD IN GOVERNMENT PROGRAMS—REPORT TO THE CONGRESS OF THE UNITED STATES.** 121 p. 1978. **NCJ-51166**
THE PASSIVE EFFORTS TAKEN BY VARIOUS FEDERAL AGENCIES TO DETECT FRAUD IN THEIR PROGRAMS ARE DISCUSSED. IT IS CONCLUDED THAT THE JUSTICE DEPARTMENT MUST TAKE A MORE ACTIVE ROLE. RECOMMENDATIONS ARE MADE. A REVIEW OF FEDERAL ECONOMIC ASSISTANCE PROGRAMS FINDS THAT THEY AMOUNT TO ABOUT $250 BILLION ANNUALLY AND ARE VULNERABLE TARGETS OF FRAUD AND RELATED WHITE-COLLAR CRIMES. THEY ARE EXPLOITED THROUGH FALSE CLAIMS FOR BENEFITS AND SERVICES, FALSE STATEMENTS FOR GOODS, BRIBERY OR CORRUPTION OF PUBLIC EMPLOYEES AND OFFICIALS, FALSE PAYMENTS, AND VARIOUS TYPES OF COLLUSION INVOLVING CONTRACTORS. IT IS RECOMMENDED THAT THE DEPARTMENT OF JUSTICE TAKE A MORE ACTIVE ROLE IN HELPING AGENCIES IDENTIFY AND PROSECUTE FRAUD. A SERIES OF ACCOUNTING AND CONTROL RECOMMENDATIONS ARE SUGGESTED. INDIVIDUAL AGENCIES ARE URGED TO MAKE FRAUD DETECTION AND INVESTIGATION A PRIORITY ITEM. PROMPT FOLLOWUP SHOULD BE ASSURED WHEN EMPLOYEES REPORT FRAUD. AN OFFICE OF INSPECTOR GENERAL IS RECOMMENDED FOR ALL FEDERAL PROGRAMS. APPENDIXES PRESENT REPLIES AND PLANS FOR COMBATING FRAUD SUBMITTED BY THE DEPARTMENT OF LABOR, HOUSING AND URBAN DEVELOPMENT, TRANSPORTATION, AGRICULTURE, AND JUSTICE AND FROM THE GENERAL SERVICES ADMINISTRATION, THE VETERANS ADMINISTRATION, AND THE SMALL BUSINESS ADMINISTRATION.
Supplemental Notes: REPORT TO THE CONGRESS OF THE UNITED STATES BY THE COMPTROLLER GENERAL.
Availability: US GENERAL ACCOUNTING OFFICE DISTRIBUTION SECTION, P O BOX 1020, WASHINGTON DC 20013; NCJRS MICROFICHE PROGRAM.

56. **US CONGRESS HOUSE COMMITTEE ON WAYS AND MEANS, WASHINGTON DC 20510. MEDICARE-MEDICAID ANTI-FRAUD AND ABUSE AMENDMENTS—JOINT HEARING BEFORE THE HOUSE SUBCOMMITTEE ON HEALTH AND THE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT, 95TH CONGRESS, 1ST SESSION ON H.R. 3, MARCH 3, 7, 1977.** 507 p. 1977. **NCJ-48024**
A JOINT HEARING BEFORE TWO HOUSE SUBCOMMITTEES WAS HELD IN MARCH 1977 TO CONSIDER A BILL THAT WOULD STRENGTHEN THE CAPABILITY OF GOVERNMENT TO DETECT AND PROSECUTE FRAUD IN THE MEDICARE AND MEDICAID PROGRAMS. THE BILL (H.R. 3) IS NOT INTENDED TO ELIMINATE EVERY FRAUDULENT OR ABUSIVE PRACTICE; RATHER, IT IS VIEWED AS AN INITIAL RESPONSE BY THE CONGRESS THAT FRAUDULENT PRACTICES SHOULD STOP. INCREASED ATTENTION IS BEING FOCUSED ON PROBLEMS OF FRAUD AND ABUSE IN ALL FEDERAL HEALTH FINANCING PROGRAMS, BUT THE MEDICARE AND MEDICAID PROGRAMS ARE EMPHASIZED. TESTIMONY PERTAINING TO SPECIFIC PROVISIONS OF THE BILL AND OTHER PROPOSALS ON ELIMINATING FRAUDULENT PRACTICES IS PRESENTED. SPECIFIC CONSIDERATION IS GIVEN TO THE FOLLOWING FACTORS: THE IMPORTANCE OF IMPROVED LEGISLATION AT ALL LEVELS OF GOVERNMENT; COST CONTAINMENT; SERVICE IMPROVEMENT; THE USE OF EXISTING AUTHORITIES OR THE CREATION OF NEW AUTHORITIES TO CURB FRAUD AND ABUSE; DHEW EXPENDITURES AND PROGRAM ACTIVITIES; THE POSSIBILITY OF IMPOSING A CRIMINAL PENALTY FOR CERTAIN PRACTICES; BILLING AND FINANCIAL MANAGEMENT PROCEDURES; AND THE ROLE OF INNOVATIVE HEALTH SYSTEM ORGANIZATIONAL ARRANGEMENTS (PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS, HEALTH MAINTENANCE ORGANIZATIONS, AND NATIONAL HEALTH INSURANCE) IN THE MEDICARE AND MEDICAID PROGRAM. PRESENTATIONS WERE MADE AT THE JOINT HEARING BY GOVERNMENT OFFICIALS, INSURANCE COMPANY REPRESENTATIVES, PROFESSIONAL ASSOCIATION REPRESENTATIVES, AND CONSUMER GROUPS. MATERIAL NOT CONTAINED IN FORMAL PRESENTATIONS WAS SUBMITTED FOR THE RECORD.
Availability: US CONGRESS HOUSE COMMITTEE ON WAYS AND MEANS, WASHINGTON DC 20510; NCJRS MICROFICHE PROGRAM.

57. **US CONGRESS SENATE. MEDICARE-MEDICAID ANTI-FRAUD AND ABUSE AMENDMENTS OF 1977—REPORT OF THE SENATE COMMITTEE ON FINANCE ON S 143, SEPTEMBER 26, 1977.** 100 p. 1977. **NCJ-48148**
COMMITTEE FINDINGS RELATIVE TO THE RECOMMENDATION THAT THE BILL IN QUESTION BE PASSED IN AMENDED FORM ARE DOCUMENTED. THE PROVISIONS OF THE MEDICARE-MEDICAID ANTI-FRAUD AND ABUSE AMENDMENTS OF 1977 FOCUS ON THE FOLLOWING AREAS: STRENGTHENED PROGRAM PENALTY SANCTIONS; INCREASED DISCLOSURE OF INFORMATION; NEEDED IMPROVEMENTS IN THE PROFESSIONAL STANDARDS REVIEW PROGRAM; ADMINISTRATIVE REFORMS; AND OTHER AMENDMENTS. THE PRINCIPAL FEATURES OF THE BILL AS REPORTED BY THE COMMITTEE ARE OUTLINED. A GENERAL EXPLANATION OF THE BILL COVERS PROHIBITION AGAINST ASSIGNMENT BY PHYSICIANS AND OTHERS OF CLAIM FOR SERVICES, CLAIMS PAYMENT PROCEDURES FOR MEDICAID, DISCLOSURE OF PROVIDER OWNERSHIP AND FINANCIAL INFORMATION, PENALTIES FOR DEFRAUDING MEDICARE AND MEDICAID, AMENDMENTS RELATED TO PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS, SUSPENSION OF PRACTITIONERS CONVICTED OF MEDICARE- OR MEDICAID-RELATED CRIMES, AND DISCLOSURES BY SERVICE PROVIDERS OF OWNERS WHO HAVE BEEN CONVICTED OF FRAUD. ALSO DESCRIBED ARE BILL PROVISIONS RELATED TO FEDERAL ACCESS TO RECORDS, CLAIMS-PROCESSING AND INFORMATION RETRIEVAL SYS-

TEMS IN MEDICAID PROGRAMS, RESTRICTIONS ON FEDERAL MEDICAID PAYMENTS, FUNDING OF STATE MEDICAID FRAUD CONTROL UNITS, PROSECUTION OF CIVIL FRAUD, AND OTHER MATTERS. ESTIMATES OF THE COST OF CARRYING OUT THE BILL AND OF THE REGULATORY IMPACT OF THE BILL ARE PRESENTED, TOGETHER WITH DOCUMENTATION OF CHANGES IN EXISTING LAWS THAT WOULD RESULT FROM PASSAGE OF THE BILL.

Supplemental Notes: 95 TH CONGRESS, 1ST SESSION.

Availability: US CONGRESS SENATE COMMITTEE ON FINANCE, WASHINGTON DC 20510; NCJRS MICROFICHE PROGRAM.

58. **US CONGRESS SENATE COMMITTEE ON GOVERNMENT OPERATIONS, WASHINGTON DC 20510. FRAUDULENT PAYMENTS IN THE MEDICAID PROGRAM—HEARINGS BEFORE SENATE SUBCOMMITTEE ON FEDERAL SPENDING PRACTICES, EFFICIENCY, AND OPEN GOVERNMENT, 94TH CONGRESS, 2ND SESSION, AUGUST 17, 1976.** 101 p. 1976. **NCJ-48409**

TESTIMONY FROM STATE OFFICIALS, CONSUMERS, AND REPRESENTATIVES OF THE NURSING HOME INDUSTRY REGARDING ABUSES OF THE MEDICAID PROGRAM IN FLORIDA IS RECORDED, TOGETHER WITH SUPPORTING DOCUMENTATION. THE TESTIMONY FOCUSES ON COMPLAINTS THAT CITIZENS SEEKING TO PLACE MEDICAID-ELIGIBLE CLIENTS IN NURSING HOMES ARE BEING ASKED TO MAKE A 'CONTRIBUTION' TO THE HOMES AS A CONDITION OF ADMISSION. A REPRESENTATIVE OF THE FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES REPORTS THAT THE CONTRIBUTIONS RANGE FROM $50 TO $400 A MONTH. STATE OFFICIALS DESCRIBE THE SCOPE OF THE PROBLEM AND THE MANNER IN WHICH THE STATE HANDLES COMPLAINTS. SIX CONSUMERS TESTIFY ABOUT THEIR PERSONAL EXPERIENCES WITH NURSING HOME CONTRIBUTION REQUIREMENTS. ONE CONSUMER, A LIAISON BETWEEN SENIOR CITIZENS AND NURSING HOME AND GOVERNMENT AUTHORITIES, CRITICIZES THE GOVERNMENT FOR THE INADEQUACY OF THE MEDICAID CONTRIBUTION TO NURSING HOME CARE OF INDIGENT PEOPLE. A STATE SENATOR FROM FLORIDA DISCUSSES THE STATE'S NURSING HOME REFORM ACT AND EMPHASIZES THAT THE STATE SHOULD BEAR THE RESPONSIBILITY FOR MONITORING NURSING HOMES. REPRESENTATIVES OF THE NURSING HOME INDUSTRY COUNTER ALLEGATIONS OF MEDICAID ABUSE, EMPHASIZING THAT MEDICAID PAYMENTS TO NURSING HOMES ARE INSUFFICIENT TO PAY FOR PATIENT CARE. SUPPORTING DOCUMENTATION, INCLUDING THE REPORT OF A SURVEY OF NURSING HOME MANAGEMENT IN FLORIDA, IS APPENDED.

Availability: US CONGRESS SENATE COMMITTEE ON GOVERNMENT OPERATIONS, WASHINGTON DC 20510; NCJRS MICROFICHE PROGRAM.

59. **US CONGRESS SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, WASHINGTON DC 20510. FRAUD, ABUSE, WASTE, AND MISMANAGEMENT OF PROGRAMS BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—HEARINGS BEFORE THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, 95TH CONGRESS, 2ND SESSION, JULY 20, 1978.** 117 p. 1978. **NCJ-51993**

THE EFFORTS OF THE U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (DHEW) OFFICE OF INSPECTOR GENERAL TO ELIMINATE LOSSES DUE TO FRAUD, ABUSE, WASTE, AND MISMANAGEMENT IN DHEW PROGRAMS ARE DISCUSSED. THE TESTIMONY, WHICH IS PRESENTED BY DHEW'S INSPECTOR GENERAL AND DEPUTY INSPECTOR GENERAL, RECAPS THE FIRST 15 MONTHS OF OPERATION OF THE DHEW OFFICE OF INSPECTOR GENERAL, WHICH WAS CREATED BY CONGRESS IN THE WAKE OF REPORTS OF MISMANAGEMENT IN DHEW'S STUDENT LOAN PROGRAM, MEDICAID FRAUD AND ABUSE, BRIBERY OF DHEW OFFICIALS BY TRADE SCHOOLS SEEKING ACCREDITATION AND BY POTENTAL CONTRACTORS, AND OTHER PROBLEMS. THE WITNESSES HIGHLIGHT THE FINDINGS OF THE INSPECTOR GENERAL'S ANNUAL REPORT FOR 1978; REVIEW THE STATUS OF TWO SPECIAL PROJECTS--AN EFFORT TO UNCOVER MEDICAID ABUSES BY PHYSICIANS AND PHARMACISTS (PROJECT INTEGRITY) AND A CHECK OF THE FEDERAL PAYROLL TO DETECT ABUSES OF WELFARE AND STUDENT AID PROGRAMS (PROJECT MATCH); AND DISCUSS WORKLOADS, BACKLOGS, AND STAFFING IN THE OFFICE OF INSPECTOR GENERAL. SPECIAL ATTENTION IS DIRECTED TO THE FOLLOWING ISSUES: CASES IN WHICH CONDUCT BY DHEW PROGRAM PARTICIPANTS IS WRONG BUT NOT PROSECUTABLE; PROBLEMS WITH MEDICARE AND MEDICAID BILLINGS BY TEACHING HOSPITALS; DHEW'S EFFECTIVENESS IN RECOVERING IMPROPERLY APPLIED FUNDS REVEALED IN AUDITS; THE OFFICE OF INSPECTOR GENERAL'S EXPERIENCE WITH CONFLICTS STEMMING FROM FEDERAL PRIVACY AND FREEDOM OF INFORMATION LAWS; THE OFFICE'S USE OF ITS SUBPOENA POWER; AND THE INSPECTOR GENERAL'S ROLE IN ESTABLISHING MEDICAID ANTIFRAUD UNITS IN THE STATES. SUPPORTING MATERIALS INCLUDE COPIES OF DHEW REGULATIONS, A MEMORANDUM REVISING ESTIMATES OF LOSSES INCURRED BY DHEW PROGRAMS IN FISCAL 1977 AND ESTIMATING THE RECOVERABILITY OF THE LOSSES, AND DHEW'S TARGETS FOR COMBATING FRAUD, ABUSE, AND WASTEFUL PRACTICES IN ITS PROGRAMS.

Availability: NCJRS MICROFICHE PROGRAM.

60. **WISCONSIN DEPARTMENT OF JUSTICE, 123 WEST WASHINGTON, MADISON WI 53702. WISCONSIN—PUBLIC CORRUPTION CONTROL UNIT—STATEWIDE.** 50 p. 1976. **NCJ-34517**

FINAL REPORT ON A PROJECT TO INVESTIGATE COMPLAINTS OF ALLEGED CORRUPTION INVOLVING PUBLIC FUNDS OR TRUSTS IN WISCONSIN. IN ORDER TO ACHIEVE PROJECT GOALS, A COMPLAINT INVESTIGATION AND SCREENING PROCEDURE WAS INITIATED. THE METHODOLOGY WAS AN IN-HOUSE EVALUATION OF THE PROGRAM BY A REVIEW STAFF. RESULTS OF THE PROJECT REVEAL THAT SEVERAL SUCCESSFUL PROSECUTIONS HAVE COME ABOUT AS THE RESULT OF PROJECT ACTIVITIES. STATISTICS RELATING TO THE UNIT'S OPERATION AND A TRIAL MANUAL ON MISCONDUCT IN PUBLIC OFFICE, ARE INCLUDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

61. **S. T. WYRICK 3RD. LEGISLATION CONCERNING THE CORRUPTION OF PUBLIC OFFICIALS.** NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609. 90 p. 1974. **NCJ-13268**

STUDY DESIGNED TO PROVIDE ASSISTANCE FOR THE DRAFTING AND ENFORCEMENT OF STATE ANTI-CORRUPTION LAWS IN THE AREAS OF CAMPAIGN FINANCE DISCLOSURE, CONFLICTS OF INTEREST, AND OPEN GOVERNMENT. A DISCUSSION OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES DEALS WITH HOW THE PROBABILITIES OF CORRUPTION STEMMING FROM LARGE CONTRIBUTIONS CAN BE LESSENED. FEDERAL AND STATE CONTRIBUTIONS AND EXPENDITURES LAWS ARE EXAMINED, COMPARED, AND ASSESSED. SOME ASPECTS OF 'OPEN MEETINGS' AND 'OPEN GOVERNMENT' LAWS FROM THE STATES OF IOWA, FLORIDA, AND OREGON ARE EXAMINED TO ILLUSTRATE DIFFERENT APPROACHES TOWARD BALANCING THE PUBLIC'S DESIRE FOR OPEN GOVERNMENT WITH THE GOVERNMENT'S NEED FOR SUFFICIENT INSULATION TO OPERATE INTERNALLY, THE PROMINENT CHARACTERISTICS OF CONFLICT OF INTEREST LAWS IN THE 50 STATES, GUAM, PUERTO RICO, SAMOA, AND THE VIRGIN ISLANDS ARE ANALYZED. THERE IS ALSO A STATE-BY-STATE COMPARISON OF

CRITERIA, SUCH AS COVERAGE, DISCLOSURE REQUIREMENTS, RESTRAINTS ON SELF-DEALING, PENALTIES, AND ENFORCEMENT RESPONSIBILITY. THE APPENDIX CONTAINS A COPY OF THE MARYLAND AND CALIFORNIA DISCLOSURE STATUTES AND SELECTED STANDARDS ON THIS TOPIC FROM THE NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

MARKETPLACE CRIME

62. **S. D. ASTOR. LOSS PREVENTION—CONTROLS AND CONCEPTS.** SECURITY WORLD PUBLISHING COMPANY, INC, 2639 SOUTH LA CIENEGA BOULEVARD, LOS ANGELES CA 90034. 294 p. 1978. **NCJ-47106**

CURRENT SECURITY PRACTICES IN RETAIL STORES, WAREHOUSES, AND OTHER BUSINESS ESTABLISHMENTS ARE EXAMINED AND EVALUATED; BASIC PRINCIPLES OF SECURITY ARE DELINEATED; AND EFFECTIVE MEASURES ARE SUGGESTED. THIS BOOK IS CONCERNED WITH THE PREVENTION OF LOSSES FROM BUSINESSES AND SHOWS HOW KEY LOSS PREVENTION CONCEPTS CAN BE CARRIED OUT EFFECTIVELY. 'ASTOR LAWS' OF LOSS PREVENTION ARE OUTLINED, AND CASE HISTORIES ILLUSTRATE THEIR OPERATION. MANAGEMENT PRACTICES WHICH ARE INEFFECTIVE IN PREVENTING, OR WHICH ACTUALLY ENCOURAGE, SHORTAGES FROM EMPLOYEE THEFT ARE DESCRIBED. MANAGERS ARE TAUGHT HOW TO DEVELOP A 'CORPORATE INSTINCT' FOR LOSS PREVENTION AND SEVEN MAJOR PREVENTION FUNCTIONS ARE EXPLAINED: (1) ISOLATING EXPOSURE TO LOSS; (2) DEVELOPING THE MEANS TO MINIMIZE SUCH EXPOSURE; (3) AUDITING THE MEANS TO MINIMIZE SUCH EXPOSURE; (4) CONDUCTING AN INTERNAL LOSS PREVENTION TRAINING PROGRAM; (5) PROVIDING WATCHFUL PATROL AND EMERGENCY ACTION; (6) INVESTIGATING SUSPICIOUS OR QUESTIONABLE OCCURRENCES; AND (7) MAINTAINING AWARENESS OF NEWLY DEVELOPED DEVICES AND PROCEDURES. THE EMPLOYEE FACTOR IN SECURITY IS DISCUSSED IN DETAIL—THE NATURE AND RATIONALE OF INTERNAL THEFT, SELECTION AND SCREENING OF EMPLOYEES, EARLY WARNING SIGNS OF INTERNAL DISHONESTY, AND THE USE OF UNDERCOVER PERSONNEL TO DETECT HOLES IN SECURITY. PHYSICAL SECURITY CONSIDERATIONS ARE EXAMINED, AND SUGGESTIONS ARE MADE FOR EVALUATING AN ESTABLISHMENT'S EXISTING ALARMS, LOCKS, AND OTHER SECURITY MEASURES. RETAIL SHORTAGE CONTROL IS TREATED EXTENSIVELY, INCLUDING LISTS OF COMMON DANGERS AT THE CHECKOUT STAND, DESCRIPTIONS OF COMMON INEFFECTIVE BUT EXPENSIVE 'SECURITY' PRACTICES, AS WELL AS AN ANTISHOPLIFTING GUIDE FOR RETAILERS DETAILING PHYSICAL MEASURES, EMPLOYEE TRAINING, AND USE OF SECURITY PERSONNEL. A NEW PROGRAM FOR RETAIL LOSS PREVENTION IS OUTLINED, WHICH WOULD ESTABLISH THE SIX FOLLOWING DISTINCT SUBDIVISIONS OF A LOSS PREVENTION DEPARTMENT: PHYSICAL SECURITY; SHOPLIFTING AND EMERGENCIES; EMPLOYEE CONTROLS; IN-PROCESS SECURITY (CONCERNED WITH DELIVERIES, TRANSFERS, ETC.); DOCUMENTARY AND COMPUTER CONTROLS; AND CASHIERING AND CASH CONTROLS. EACH OF THESE IS CONSIDERED TO BE A FULL-TIME AREA OF CONCERN. FINALLY, THE CHANGING ROLE OF SECURITY SERVICES IN BUSINESS IS DISCUSSED. APPENDIXES PROVIDE CHECKLISTS FOR WAYS TO PREVENT INTERNAL AND EXTERNAL THEFT AND FOR PHYSICAL SECURITY, SHIPPING AND RECEIVING OPERATIONS, AND SECURITY POLICIES AND PROCEDURES. AN INDEX IS PROVIDED.

Availability: SECURITY WORLD PUBLISHING COMPANY, INC, 2639 SOUTH LA CIENEGA BOULEVARD, LOS ANGELES CA 90034.

63. **H. BARNETT. WEALTH, CRIME, AND CAPITAL ACCUMULATION.** ELSEVIER, P O BOX 211, AMSTERDAM, NETHERLANDS. *CONTEMPORARY CRISES*, V 3, N 2 (APRIL 1979), P 171-186. **NCJ-57894**

FOCUSING ON THE EFFECTS OF MONOPOLIES ON THE AMERICAN MARKET SYSTEM, THIS CRITIQUE ARGUES THAT MONOPOLISTIC PRACTICES TOO OFTEN GO UNCHALLENGED AND THAT THEY MAY CONTRIBUTE SUBSTANTIALLY TO TRADITIONAL CRIME. BECAUSE OF THEIR SIZE, MONOPOLISTIC CORPORATIONS ARE ABLE TO CONTROL ECONOMIC EVENTS WITHOUT CONSTRAINTS IMPOSED BY MARKET COMPETITION. FIRMS HAVING SUCH POWER CAN USE IT TO ILLEGALLY EXPAND MARKETS, CREATE BARRIERS TO ENTRY, ELIMINATE COMPETITION, AND CONTROL WAGES, COSTS, AND PRICES. THE RESULT IS THAT MONOPOLIES POSSESS AN INORDINATE POTENTIAL TO GENERATE ILLEGAL INCOMES. THE LEGISLATIVE BASIS FOR CONTROLLING THE ACQUISITION AND ABUSE OF MARKET POWER ARE THE SHERMAN ACT, THE CLAYTON ACT, AND THE FEDERAL TRADE COMMISSION ACT, AS WELL AS SUBSEQUENT AMENDMENTS. THESE LAWS, HOWEVER, HAVE INHERENT WEAKNESSES; THEIR ORIENTATION IS TOWARD CONDUCT RATHER THAN STRUCTURE. THAT ANTITRUST LAWS HAVE LAGGED BEHIND IN PRACTICE IS EVIDENT FROM COURT DATA: 70 PERCENT OF CONVICTIONS HAVE RESULTED FROM PLEAS OF NO CONTEST. ADDITIONAL CONSTRAINTS RESULT THE JUDICIARY'S RELUCTANCE TO INTERFERE FOR FEAR OF IMPAIRING INDUSTRIAL EFFECIENCY. THIS COMBINATION OF LIMITATIONS INHERENT IN BOTH THE LAW AND JUDICIAL PRACTICE PLACES GREAT LIMITATIONS ON ANTITRUST ENFORCEMENT. ALSO, BECAUSE OF THEIR GREATER SIMPLICITY OF ISSUES, ENFORCEMENT AGENCIES TEND TO CONCENTRATE ON SMALLER CASES IN WHICH THE DEFENDANT IS MOST

LIKELY TO BE A SMALL, COMPETITIVE SECTOR FIRM. GIVEN THE STRUCTURE OF THE LAWS AND JUDICIAL ATTITUDES, THE PROSECUTION OF VIOLATIONS IN THE COMPETITIVE SECTOR IS OUT OF PROPORTION WITH THAT SECTOR'S POTENTIAL FOR GENERATING ILLEGAL WEALTH. THIS INSULATION OF MONOPOLISTIC PRODUCERS FROM ANTITRUST PROSECUTION ALSO CONTRIBUTES TO THE CONDITIONS GENERATING TRADITIONAL CRIME IN THE COMPETITIVE SECTOR. EXISTING LEVELS OF MONOPOLIZATION ARE ESTIMATED TO ACCOUNT FOR AN ANNUAL REDUCTION IN NATIONAL INCOME OF AT LEAST 6 PERCENT. WHILE THE WEALTH STATUS OF TRADITIONAL OFFENDERS LIMITS THE GAINS WHICH ANY SINGLE OFFENDER MAY REALIZE, AND WHILE THE MAGNITUDE OF INCOME TRANSFERRED IS A SMALL PERCENTAGE OF TOTAL COMPETITIVE SECTOR INCOME, THE AGGREGATE INCOME TRANSFERED IS LARGE RELATIVE TO COMPETITIVE SECTOR MARKETS. FOR EXAMPLE, IN 1972, AN ESTIMATED $12.4 BILLION WAS LOST TO BUSINESS THROUGH TRADITIONAL CRIME, WITH A DISPROPORTIONATE PERCENTAGE AT THIS FALLING ON SMALL BUSINESS. REFERENCE NOTES ARE INCLUDED.

64. **M. J. BLOOMSTEIN. CONSUMER'S GUIDE TO FIGHTING BACK.** 296 p. 1976. **NCJ-40425**
THIS GUIDE TO DEFENSIVE CONSUMERISM EXPLAINS ACTIONS CONSUMERS CAN INSTIGATE AGAINST MERCHANTS WHO USE FRAUDULENT BUSINESS PRACTICES. THE AUTHOR, WHO IS A TRIAL ATTORNEY, BEGINS WITH A DISCUSSION OF PREVENTIVE ACTS AND SAFEGUARDS AS THE FIRST LINE OF DEFENSE. NEXT, THERE IS AN OUTLINE OF THE COUNTERATTACK, DETAILING HOW CONSUMERS SHOULD REACT TO A VIOLATION OF THEIR RIGHTS. FOLLOWING THIS, IS A PILOT DESIGN FOR FOLLOWING UP ON THE INITIAL COMPLAINT. INCLUDED IN THIS SECTION IS INFORMATION ON AGENCIES TO CONTACT FOR AID IN OBTAINING COMPENSATION. IN THE FINAL SECTION OF THE BOOK, THE AUTHOR PROVIDES SUGGESTED FORMS FOR PREPARING WRITTEN COMPLAINTS. HE DESCRIBES VARIOUS SITUATIONS INVOLVING FRAUD AND CONCLUDES EACH WITH A LETTER DESIGNED TO SOLICIT ACTION FROM THE PROPER AGENCY. THE APPENDICES CONTAIN THE FOLLOWING: A LIST OF BETTER BUSINESS BUREAU LOCATIONS, GOVERNMENT AGENCIES RELEVANT TO CONSUMER PROTECTION, NON-GOVERNMENTAL ORGANIZATIONS, AND A LIST OF INJURIES ASSOCIATED WITH THE TOP 15 INJURY-PRODUCING TYPES OF PRODUCTS. (AUTHOR ABSTRACT MODIFIED)
Availability: DODD, MEAD AND COMPANY, 79 MADISON AVENUE, NEW YORK NY 10016.

65. **M. CAREY and G. SHERMAN. COMPENDIUM OF BUNK OR HOW TO SPOT A CON ARTIST—A HANDBOOK FOR FRAUD INVESTIGATORS, BANKERS AND OTHER CUSTODIANS OF THE PUBLIC TRUST.** 213 p. 1976. **NCJ-30329**
THIS BOOK EXPLORES THE WIDE RANGE OF FRAUD PRACTICED BY CONFIDENCE MEN, FROM THE COMMON PIGEON DROP TO MORE SOPHISTICATED SCHEMES INVOLVING SHELL CORPORATIONS AND FORGED SECURITIES. ESOTERIC SWINDLES SUCH AS THE MONEY BLESSING ARE DISCUSSED, AS ARE COMMON CONSUMER FRAUDS WHICH ARE FREQUENTLY REGARDED SIMPLY AS BAD BUSINESS. INSURANCE AND INVESTMENT SWINDLES, CARNIVAL CONS, MAIL ORDER FRAUDS, CREDIT SCHEMES AND 'HOT' MERCHANDISE ARE AMONG THE NUMEROUS OTHER TYPES OF FRAUD AND CONFIDENCE TRICKS DEALT WITH IN THIS VOLUME. ALSO INCLUDED IS A CHAPTER ON THE CONTINUAL DEVISING OF NEW WAYS TO CON THE UNSUSPECTING PUBLIC. THIS BOOK IS BASED ON INTERVIEWS WITH LAW ENFORCEMENT OFFICIALS AND ATTORNEYS IN SEVERAL PARTS OF THE COUNTRY. PROTOTYPE CASE HISTORIES ARE INCLUDED, ALL OF THEM BASED ON ACTUAL CASES FROM POLICE FILES. INTENDED AS A PRIMER FOR POLICE OFFICERS, THIS BOOK WILL ALSO BE OF INTEREST TO LAWYERS, BANKERS, INSURANCE COMPANIES AND OTHERS CHARGED WITH THE RESPONSIBILITY OF HANDLING MONEY IN LARGE OR SMALL AMOUNTS. THE NEED FOR GOOD PUBLIC INFORMATION PROGRAMS IS STRESSED AS ARE THE ADVANTAGES OF COOPERATION BETWEEN CIVIL ATTORNEYS AND MUNICIPAL, COUNTY AND FEDERAL INVESTIGATIVE OFFICES. (AUTHOR ABSTRACT)
Availability: CHARLES C THOMAS, 301-327 EAST LAWRENCE AVENUE, SPRINGFIELD IL 62717.

66. **C. R. CARSON. MANAGING EMPLOYEE HONESTY.** 238 p. 1977. **NCJ-41317**
AN OVERVIEW OF THE HONESTY FACTOR IN EMPLOYEE BEHAVIOR ON THE JOB IS PRESENTED IN THIS BOOK. FROM HIRING OF THE EMPLOYEE TO TERMINATION FOR DISHONEST BEHAVIOR, NEARLY EVERY STEP IN BETWEEN IS EXAMINED IN THIS TEXT. CONTRIBUTING FACTORS IN EMPLOYEE THEFT, AND THE RELATIVITY OF HONESTY ARE EXPLORED, AS WELL AS THE MECHANICS OF PHYSICAL SECURITY AND THE FUNCTIONS OF SECURITY PERSONNEL. EXECUTIVE ACCOUNTABILITY, HONESTY IN PURCHASING, AND PLUGGING LEAKS IN RECEIVING ARE INCLUDED. THERE IS ALSO INFORMATION ON ACCOUNTABILITY IN RETAIL, SECURING INVENTORIES, AND CONTROLLING PRODUCTION THEFTS.
Availability: SECURITY WORLD PUBLISHING COMPANY, INC, 2639 SOUTH LA CIENEGA BOULEVARD, LOS ANGELES CA 90034.

67. **J. CARTWRIGHT and J. PATTERSON. BEEN TAKEN LATELY—THE COMPREHENSIVE CONSUMER FRAUD DIGEST.** GROVE PRESS, 53 EAST 11TH STREET, NEW YORK NY 10003. 189 p. 1974. **NCJ-40532**
THE BOOK IS DESIGNED TO FAMILIARIZE CONSUMERS WITH THE COMMON KINDS OF FRAUDS. TOPICS INCLUDE: HOME IMPROVEMENT SWINDLES, AUTO REPAIR, LAND PROMOTION FRAUDS, MEDICAL QUACKERY, MAIL ORDER SCHEMES, TRADE SCHOOLS, DOOR-TO-DOOR SALES, REFERRAL SELLING, OVER THE COUNTER SALES, PHONY SALES, BAIT ADVERTISING, EMPLOYMENT FRAUDS, BUSINESS OPPORTUNITIES, AND OTHER TRICKS. (AUTHOR ABSTRACT)
Availability: RANDOM HOUSE, 201 EAST 50TH STREET, NEW YORK NY 10022.

68. **W. J. CHAMBLISS. ON THE TAKE—FROM PETTY CROOKS TO PRESIDENTS.** INDIANA UNIVERSITY PRESS, TENTH AND MORTON STREETS, BLOOMINGTON IN 47401. 281 p. 1978. **NCJ-50101**
ILLEGAL BUSINESS, INVOLVING GAMBLING, DRUGS, USURY, BUSINESS FRAUD, PROSTITUTION, PROFESSIONAL THEFT, AND ROBBERY IN SEATTLE, WASHINGTON IS DESCRIBED. RELIANCE ON POLICE AND OTHER LAW-ENFORCEMENT AGENCIES FOR INFORMATION ON ORGANIZED CRIME OFTEN LEADS TO AN OVEREMPHASIS OF THE STEREOTYPED ROLE OF THE CRIMINAL WHILE IGNORING THE IMPORTANCE AND CONTRIBUTIONS OF BUSINESSMEN, POLITICIANS, AND LAW ENFORCERS IN THS AREA. AN ACTUAL EXAMINATION REVEALS THAT ORGANIZED CRIME IS NOT SOMETHING THAT EXISTS OUTSIDE OF LAW AND GOVERNMENT BUT IS, IN FACT, A CREATION OF BOTH. A LOCAL CRIME NETWORK EXISTS IN SEATTLE, THAT IS CONNECTED TO NATIONAL BUSINESS AND POLITICAL INTERESTS. THE TRADITIONAL VIEW OF ORGANIZED CRIME IN WHICH OPERATIONS ARE CONTROLLED BY ITALIAN-AMERICAN FAMILIES FOLLOWING THEIR OWN REGULATIONS AND CODES MUST BE REJECTED. ALTHOUGH THERE MAY BE NO ACTUAL CONSPIRACY ON THE PART OF POLITICIANS AND OTHER LEADERS TO DECEIVE THE PUBLIC, THE WIDELY HELD VIEW OF THE MAFIA PROVIDES A CONVENIENT WAY TO EXPLAIN A PHENOMENON THAT IS OTHERWISE DIFFICULT TO DEAL WITH. THE INCIDENTS INVOLVING 'GOD FATHERS' AND OTHER COLORFUL CHARACTERS ALSO MAKE GOOD NEWSPAPER COPY.

THIS PICTURE OF ORGANIZED CRIME DIFFERS FROM THE TRADITIONAL VIEW IN TWO WAYS. FIRST, ORGANIZED CRIME IS NOT RUN AND CONTROLLED BY A NATIONAL SYNDICATE WITH A COMMISSION OR BOARD OF DIRECTORS WHO HAVE FEUDAL-LIKE CONTROL OVER A NETWORK SPREAD ACROSS THE NATION. THOSE WHO CONTROL THE CRIME ORGANIZATION VARY FROM CITY TO CITY AND FROM TIME TO TIME. SECOND, THE IDEA OF A SYNDICATE THAT RULES ORGANIZED CRIME IS DECEPTIVE IN IMPLYING THAT ORGANIZED CRIME IS RUN BY PRIVATE CITIZENS. RESEARCH INDICATES THAT ORGANIZED CRIME REALLY CONSISTS OF A COALITION OF POLITICIANS, LAW-ENFORCEMENT PEOPLE, BUSINESSMEN, UNION LEADERS, AND RACKETEERS. A NETWORK PERSISTS WITHIN WHICH THE INDIVIDUALS FLUCTUATE. IN SEATTLE, THE GROUP WHICH MANAGED AND PROFITED FROM ORGANIZED CRIME WAS COMPOSED OF SOME OF THE LEADING CITIZENS OF THE CITY AND THE STATE. THE STUDY BEGAN IN SEATTLE IN 1962 AND CONTINUED THROUGH 1967. FINDINGS ARE BASED ON PERSONAL EXPERIENCES IN THE BACKROOMS OF CABARETS, CARDROOMS, JAILS, EXECUTIVE SUITES, AND POLITICIANS' CHAMBERS. ALTHOUGH THE BOOK DESCRIBES THE CRIME SYSTEM IN SEATTLE, THIS SYSTEM IS BELIEVED TO BE REPRESENTATIVE OF THOSE FOUND IN MANY CITIES THROUGHOUT THE NATION.

Availability: INDIANA UNIVERSITY PRESS, TENTH AND MORTON STREETS, BLOOMINGTON IN 47401.

69. **M. B. CLINARD. BLACK MARKET—A STUDY OF WHITE COLLAR CRIME.** 409 p. 1969. **NCJ-15515**

DESCRIPTION OF THE EXTENT AND NATURE OF PRICE AND RATIONING VIOLATIONS BY AMERICAN BUSINESSMEN, CRIMINALS, AND AVERAGE CITIZENS DURING WORLD WAR TWO. THIS STUDY EMPHASIZES THE BLACK MARKET ACTIVITIES RELATING TO MEAT, GASOLINE, AND RENT. THE AUTHOR DETAILS, IN THE CASE OF GASOLINE, THE EXTENSIVE COLLUSION THAT EXISTED BETWEEN FILLING STATION OPERATORS AND PROFESSIONAL CRIMINALS WHO SOLD THEM STOLEN AND COUNTERFEIT RATION CURRENCY. HOW THE GOVERNMENT TRIED TO CONTROL THE BLACK MARKET AND THE MISTAKES IT MADE ARE DISCUSSED. THE AVERAGE CITIZEN'S ATTITUDES TOWARD THE BLACK MARKET ARE ALSO DESCRIBED. THE AUTHOR OFFERS SOME OBSERVATIONS ON THE RELATIVE BLAME OF GOVERNMENT, BUSINESS, AND THE PUBLIC, AND DISCUSSES THE IMPLICATIONS OF THESE PAST EXPERIENCES FOR FUTURE NATIONAL EMERGENCIES. A LARGE PART OF THE DATA FOR THIS BOOK WAS OBTAINED FROM CASE RECORDS, FIELD REPORTS, AND ADMINISTRATIVE ORDERS DURING THE THREE YEARS THE AUTHOR WORKED WITH THE ENFORCEMENT DEPARTMENT OF THE OFFICE OF PRICE ADMINISTRATION. THE APPENDIX CONTAINS A CLASSIFICATION OF PRICE, RENT, AND RATIONING VIOLATIONS AS OF 1944. A BIBLIOGRAPHY IS ALSO INCLUDED.

Supplemental Notes: REPRINT OF THE 1952 EDITION.

Availability: PATTERSON SMITH, 23 PROSPECT TERRACE, MONTCLAIR NJ 07042.

70. **M. B. CLINARD and P. C. YEAGER. CORPORATE CRIME—ISSUES IN RESEARCH.** AMERICAN SOCIETY OF CRIMINOLOGY, 1314 KINNEAR ROAD, COLUMBUS OH 43212; SAGE PUBLICATIONS, INC, 275 SOUTH BEVERLY DRIVE, BEVERLY HILLS CA 90212. *CRIMINOLOGY*, V 16, N 2 (AUGUST 1978), P 255-272. **NCJ-50794**

THE LACK OF RESEARCH INTO CORPORATE CRIME IS DISCUSSED, ALONG WITH THE RECENT RISE IN INTEREST DUE TO SOCIAL FORCES. CORPORATE ETHICS AND LAW VIOLATIONS ARE CONSIDERED, AND RESEARCH DIFFICULTIES ARE EXAMINED. THE LACK OF RESEARCH INTO CORPORATE ILLEGALITIES STEMS FROM INEXPERIENCE IN THE AREA. CORPORATE VIOLATIONS INVOLVE ADMINISTRATIVE AND CIVIL SANCTIONS TO WHICH CRIMINOLOGISTS HAVE LIMITED EXPOSURE, AND ENFORCEMENT IS CARRIED OUT BY STATE AND FEDERAL REGULATORY AGENCIES RATHER THAN BY THE USUAL CRIMINAL JUSTICE AGENCIES. IN ADDITION, FUNDS FOR THIS KIND OF RESEARCH HAVE NOT BEEN AVAILABLE. HOWEVER, GROWTH IN PUBLIC CONCERN ABOUT CORPORATE WRONGDOINGS HAS CONTRIBUTED TO ACCELERATED RESEARCH INTO CORPORATE CRIME. SPECIFIC INCIDENTS OF HIGHLY PUBLICIZED CORPORATE CRIME VIOLATIONS ARE ENUMERATED. ETHICAL VIOLATIONS ARE CLOSELY LINKED TO CORPORATE CRIME AND CAN INCLUDE EXAGGERATED CLAIMS AND MISREPRESENTATION OF PRODUCTS, REPRESENTATION OF THE COMPANY IN THE MEDIA AS AN AGENCY PRIMARILY INTERESTED IN THE GENERAL WELFARE RATHER THAN MAXIMIZATION OF PROFITS, MANUFACTURE OF HARMFUL AND UNSAFE OR WORTHLESS PRODUCTS, AND WITHHOLDING OF MORE EFFICIENT OR CHEAPER PRODUCTS FROM THE MARKET. RESEARCH INTO CORPORATE CRIME IS COMPLICATED BY THE COMPLEXITY OF CORPORATIONS, LACK OF RESEARCH DATA, AND THE INTERFERENCE OF ADMINISTRATIVE AND CIVIL SANCTIONS. PROBLEMS OF ANALYSIS AND OBJECTIVITY ARE ALSO OBSTACLES. THE NATURE AND EXTENT OF CORPORATE CRIMINALITY NEEDS TO BE INVESTIGATED, AND SOCIOLOGICAL EXPLANATIONS FOR CORPORATE CRIMINALITY MUST BE ESTABLISHED. BIBLIOGRAPHIC REFERENCES ARE PROVIDED.

71. **M. B. CLINARD, P. C. YEAGER, J. BRISSETTE, D. PETRASHEK, and E. HARRIES. ILLEGAL CORPORATE BEHAVIOR.** UNIVERSITY OF WISCONSIN DEPARTMENT OF SOCIOLOGY, MADISON WI 53706. 348 p. 1979. **NCJ-57893**

FOCUSING ON SEVERAL HUNDRED MAJOR CORPORATIONS, THIS STUDY REPRESENTS THE FIRST LARGE-SCALE, COMPREHENSIVE INVESTIGATION OF CORPORATIONS FOR ACTIONS THAT VIOLATE THE LAW. ALTHOUGH THE EMPIRICAL INVESTIGATION CONCENTRATED ON 582 OF THE LARGEST PUBLICLY OWNED CORPORATIONS IN THE U.S., THE MAJOR FOCUS WAS ON MANUFACTURING FIRMS WHOSE ANNUAL SALES (1975) RANGED FROM $300 MILLION TO MORE THAN $45 BILLION, WITH AN AVERAGE SALES VOLUME OF $1.7 BILLION. THE STUDY DATA COVERED ALL ENFORCEMENT ACTIONS OBTAINABLE, ACTIONS INITIATED OR IMPOSED BY 24 FEDERAL AGENCIES DURING 1975 AND 1976. THE DATA REVEAL A WIDE RANGE OF CORPORATE VIOLATIONS, AS WELL AS ACTION INITIATED AND IMPOSED BY GOVERNMENT AGENCIES. PREDICTIONS OF VIOLATIONS ARE ATTEMPTED THROUGH ANALYSES OFTEN USED TO COMPARE INDUSTRY-LEVEL AND ECONOMY-LEVEL DATA. THESE DATA SHOW THAT UNFAVORABLE TRENDS IN SALES, PROFITS, EARNINGS, AND PRODUCT DIVERSIFICATION ARE ASSOCIATED WITH VIOLATIONS. A COMPARATIVE ANALYSIS IS PRESENTED OF THE CHARACTERISTICS OF THOSE CORPORATIONS AGAINST WHICH LIMITED ACTIONS HAVE BEEN INITIATED AND THOSE AGAINST WHICH ACTIONS HAVE BEEN EXTENSIVE. TO TEST THE VIEW THAT PRESSURES FROM PARENT CORPORATIONS TO INCREASE PROFITS CONTRIBUTE TO THE GREATER VIOLATIONS BY SUBSIDIARIES, ACTIONS AGAINST PARENT CORPORATIONS ARE COMPARED WITH ACTIONS AGAINST THEIR 101 LARGEST SUBSIDIARIES, WHOSE 1976 SALES RANGED FROM $300 MILLION TO $7.8 BILLION. AN ANALYSIS IS PROVIDED OF THE METHODOLOGICAL PROBLEMS IN STUDYING CORPORATE CRIME AND THE INADEQUACY OF FEDERAL STATUTES ON CORPORATE CRIME. OTHER TOPICS DISCUSSED ARE CORPORATE ORGANIZATION AND CORPORATE CRIME, REGULATORY AGENCIES AND FEDERAL AND STATE RELATIONS IN CONTROLLING CORPORATE CRIME, CORPORATE ANTITRUST AND ILLEGAL PAYMENTS VIOLATIONS, CORPORATE EXECUTIVES AND CRIMINAL LIABILITY, AND THE CONTROL OF CORPORATE

CRIME. TABULAR DATA AND REFERENCES ARE PROVIDED. (AUTHOR ABSTRACT MODIFIED)

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: GPO. Stock Order No. 027-000-00843-7.

72. **M. J. COMER. CORPORATE FRAUD.** MCGRAW-HILL BOOK COMPANY (UK) LIMITED, MAIDENHEAD, BERKSHIRE, ENGLAND. 393 p. 1977. United Kingdom. **NCJ-56109**

THE DYNAMICS OF CORPORATE FRAUD--PETTY THEFT, PILFERING, EMBEZZLEMENT, AND INDUSTRIAL ESPIONAGE PERPETRATED BY OR AGAINST COMPANIES--IS EXAMINED, WITH PARTICULAR ATTENTION TO THE EXPERIENCES OF GREAT BRITAIN. FOCUSING ON THE MOTIVATIONAL AND COMMERCIAL BACKGROUND OF FRAUD AND ITS SEEMINGLY AMORPHOUS NATURE, THE TEXT IDENTIFIES SEVERAL BASIC CATEGORIES OF FRAUD AND PROVIDES SPECIFIC EXAMPLES OF EACH. THESE INCLUDE INTERNAL FRAUD AT THE MANAGEMENT AND OPERATIONS LEVEL, EXTERNAL FRAUD PERPETRATED BY BUSINESS CONTACTS AND OPPORTUNISTS, AND COLLUSIVE FRAUD INVOLVING ORGANIZED CRIMINALS ENGAGED IN LARCENY, MISREPRESENTATION, MANIPULATION, AND EXTORTION. THE COMPONENT ELEMENTS OF SUCH FRAUDULENT PRACTICES ARE ANALYZED, AND TECHNIQUES CONSTITUTING THE FIRST STEPS IN FRAUD DETECTION ARE DETAILED. A DISCUSSION FOLLOWS OF FRAUD INVESTIGATION AND THE IMPLEMENTATION OF DEFENSIVE SYSTEMS EFFECTIVE IN PREVENTING BUSINESS FRAUD. PARTICULAR EMPHASIS IS PLACED ON THE ROLE OF THE COMPUTER, BOTH AS A TARGET OF FRAUD AND AS A TOOL OF FRAUD DETECTION. THE LIMITATIONS OF COMPUTERS IN ASSISTING FRAUD ARE HIGHLIGHTED, AND NEW AND EFFECTIVE COMPUTER SURVEILLANCE TECHNIQUES ARE OUTLINED. A FINAL CHAPTER SUGGESTS WAYS IN WHICH THE TECHNICAL METHODS OF DETECTION AND PREVENTION DESCRIBED IN EARLIER SECTIONS CAN BE LINKED TOGETHER IN A PRACTICAL AND EFFECTIVE SECURITY PROGRAM. AN INDEX, BIBLIOGRAPHY, AND GLOSSARY ARE PROVIDED, ALONG WITH TABULAR AND GRAPHIC DATA.

Availability: MCGRAW HILL, PRINCETON ROAD, HIGHSTOWN NJ 08520.

73. **J. E. CONKLIN. ILLEGAL BUT NOT CRIMINAL—BUSINESS CRIME IN AMERICA.** 153 p. 1977. **NCJ-42861**

THE NATURE AND COSTS OF BUSINESS CRIME, THE DYNAMICS OF THE ECONOMY INFLUENCING CRIME, THE PSYCHOLOGY AND SOCIOLOGY OF BUSINESS CRIME, AND BUSINESS CRIME'S TREATMENT BY THE CRIMINAL JUSTICE SYSTEM ARE DISCUSSED. THE EXORBITANT AND USUALLY HIDDEN COSTS OF BUSINESS CRIME ARE DELINEATED, AND IT IS SHOWN HOW ULTIMATELY THE CONSUMER BEARS THE COST. THE SUBCULTURAL INFLUENCES AND CONDITIONING THAT TAKE PLACE WITHIN THE OPERATIONS OF THE BUSINESS WORLD ARE ELUCIDATED, AND THE PSYCHOLOGY AND SOCIOLOGY OF BUSINESS CRIME ARE EXPLAINED. THE LENIENCY WITH WHICH THE CRIMINAL JUSTICE SYSTEM TREATS OFFENDERS IN THE BUSINESS WORLD IS DOCUMENTED. FINALLY, THE CREATION OF A COUNTERVAILING FORCE AND THE REFORM OF THE CRIMINAL JUSTICE SYSTEM ARE SPECIFIED AS WAYS OF REDUCING BUSINESS CRIME.

Availability: PRENTICE-HALL, ENGLEWOOD CLIFFS NJ 07632.

74. **D. R. CRESSEY. OTHER PEOPLE'S MONEY—A STUDY IN THE SOCIAL PSYCHOLOGY OF EMBEZZLEMENT.** 208 p. 1973. **NCJ-12687**

SOCIOLOGICAL THEORY WHICH ATTEMPTS TO IDENTIFY THE NECESSARY FACTORS WHICH LEAD A PERSON TO EMBEZZLE. WHY, AFTER YEARS OF HONEST WORK, DOES A MAN SUDDENLY START DIPPING INTO COMPANY FUNDS? THIS REPRINT OF A 1953 CLASSIC STUDY BY DONALD CRESSEY OFFERS A SOCIOLOGICAL THEORY WHICH IDENTIFIES FACTORS LEADING TO EMBEZZLEMENT. THE STUDY WAS LIMITED TO TRUST VIOLATION CASES, WHERE THE EMBEZZLER HAD ACCEPTED A POSITION OF TRUST IN GOOD FAITH, AND HAD VIOLATED THAT TRUST BY COMMITTING A CRIME. CRESSEY EXAMINED CASES COLLECTED BY OTHER INVESTIGATORS AND INTERVIEWED CONVICTED MEN WHO RELATED IN THEIR OWN WORDS HOW THEY CAME TO COMMIT THEIR CRIMES. IN THESE ACCOUNTS HE DISCOVERED THREE CIRCUMSTANCES COMMON TO CASES OF TRUST VIOLATION. FIRST, THE POTENTIAL EMBEZZLER HAD A FINANCIAL PROBLEM WHICH HE FELT UNABLE TO SHARE WITH OTHER PEOPLE. SECOND, HE SAW THE VIOLATION OF HIS TRUST AS AN OPPORTUNITY TO SOLVE HIS FINANCIAL PROBLEM. AND THIRD, HE RATIONALIZED THE ACT TO HIMSELF BEFORE COMMISSION. NUMEROUS CASE HISTORIES VIVIDLY ILLUSTRATE THESE CIRCUMSTANCES AND GIVE THE READER A VALUABLE INSIGHT INTO THE EMBEZZLER'S SITUATION AS HE HIMSELF SEES IT. THIS WELL-ORGANIZED, CLEARLY WRITTEN STUDY SHOULD INTEREST THE AVERAGE CITIZEN AS WELL AS SOCIOLOGISTS AND LAW ENFORCEMENT PROFESSIONALS.

Availability: PATTERSON SMITH, 23 PROSPECT TERRACE, MONTCLAIR NJ 07042.

75. **W. C. CUNNINGHAM, P. J. GROSS, and H. NUGENT. ECONOMIC CRIME—LITERATURE ANALYSIS.** HALLCREST PRESS, 7346 ELDORADO STREET, MCLEAN VA 22101. 32 p. 1978. **NCJ-56054**

A LITERATURE SEARCH WAS CONDUCTED TO PROVIDE A DATA BASE ON THE COSTS OF CRIME AGAINST BUSINESS, BUSINESS' RESPONSE TO CRIME, AND GAPS IN AND PROBLEMS WITH EXISTING LITERATURE ON ECONOMIC CRIME. THE LITERATURE SEARCH WAS THE RESULT OF A TASK FORCE PROJECT DONE UNDER THE AUSPICES OF THE ATTORNEY GENERAL, GRIFFIN BELL, IN MAY 1978. THE PURPOSE WAS TO DEVELOP A COLLABORATIVE EFFORT ON THE PART OF GOVERNMENT, BUSINESS, AND LABOR TO EFFECTIVELY COMBAT CRIME AGAINST BUSINESS. THE TASK FORCE, ON THE BASIS OF ANALYSIS OF LITERATURE REVIEWED, MADE SEVERAL CONCLUSIONS. THERE ARE SUBSTANTIAL BARRIERS TO COMPREHENSIVE RESEARCH ON ECONOMIC CRIME AND THE DEVELOPMENT OF TESTED PREVENTIVE STRATEGIES. NO SINGLE SOURCE EXISTS TO WHICH AN INDIVIDUAL CAN TURN TO OBTAIN ESSENTIAL RESOURCES. LITERATURE CONCERNING BUSINESS CRIME IS SCATTERED UNDER A VARIETY OF HEADINGS. EVEN WHEN FOUND, THE MATERIAL IS NOT IN FORMS THAT READILY CAN BE USED. MECHANISMS ARE LACKING FOR DISSEMINATING DOCUMENTS. SIMILAR PROBLEMS EXIST IN DETERMINING THE COSTS OF CRIME. THE ONLY AVAILABLE LITERATURE GAVE COST ESTIMATES, SUGGESTING THAT AN ECONOMETRIC STUDY HAS NEVER BEEN DONE IN THIS FIELD. IN THE AREA OF CRIME PREVENTION COSTS, LITERATURE REVEALS THAT BUSINESS IS DEVOTING ABOUT $6 MILLION TO SELF-PROTECTION AND CRIME PREVENTION. HOWEVER, TO MORE EFFICIENTLY ALLOCATE ITS RESOURCES, BUSINESSES NEED TO KNOW ACTUAL LOSS EXPERIENCE. TOO LITTLE WORK HAS BEEN DONE TO EVALUATE THE COSTS AND EFFECTIVENESS OF SPECIFIC TYPES OF PREVENTIVE EFFORTS. IT IS CONCLUDED THAT THE LITERATURE AVAILABLE DID NOT GIVE A CLEAR IDEA OF THE EXTENT TO WHICH CRIMINAL JUSTICE AGENCIES ALLOCATE THEIR RESOURCES TO ECONOMIC CRIME. THE FEDERAL GOVERNMENT NOW LACKS THE MECHANISMS TO MEASURE ITS EFFORTS AGAINST WHITE-COLLAR CRIME, BUT LEAA HAS RECENTLY FUNDED AN EFFORT WHICH WILL ADDRESS THIS PROBLEM. AS REGARDS THE PUBLIC ROLE IN PREVENTION, THE LITERATURE INDICATES THAT GREATER AWARENESS IS NECESSARY AMONG BUSINESS LEADERS AND THE

PUBLIC IN ORDER TO DEVISE CRIME PREVENTION STRATEGIES. THESE PROBLEMS ALL POINT TO A NEED FOR BETTER ORGANIZATION AND DISSEMINATION OF WHAT IS KNOWN, AND A NEED TO IMPROVE THE STATE OF KNOWLEDGE. TABLES ARE INCLUDED.

Supplemental Notes: PREPARED FOR THE NATIONAL ECONOMIC CRIME PROJECT, US DEPARTMENT OF JUSTICE.

76. **T. A. DICKERSON. TRAVEL CONSUMER FRAUD—RIP-OFFS AND REMEDIES.** SYRACUSE UNIVERSITY COLLEGE OF LAW, SYRACUSE NY 13210. *SYRACUSE LAW REVIEW,* V 28, N 4 (FALL 1977), P 847-873. **NCJ-48258**

CONSUMER FRAUD IN THE TRAVEL INDUSTRY AND THE UTILITY OF CLASS ACTION SUITS AS A REMEDY FOR THE CONSUMER OF TRAVEL SERVICES ARE EXAMINED. THE TRAVEL INDUSTRY OPERATES IN AN AGGRESSIVE MARKETING ENVIRONMENT THAT IS NEITHER REGULATED, LICENSED, NOR SUPERVISED. AS A RESULT, THE TRAVEL CONSUMER HAS BEEN SUBJECTED TO ANNOYANCES AND EXPENSIVE ABUSES. THE THREE PROBLEMS THAT GENERATE THE MAJORITY OF CONSUMER COMPLAINTS DIRECTED TO THE TRAVEL INDUSTRY ARE AIRLINE OVERBOOKING, LOST BAGGAGE, AND HOTEL OVERBOOKING (WHICH MAY INVOLVE THE SUBSTITUTION OF INFERIOR SERVICES AND FACILITIES FOR THOSE THAT HAVE BEEN PROMISED, OR SIMPLY THE NONDELIVERY OF PROMISED SERVICES). THE DAMAGES GENERATED IN MOST INSTANCES ARE TOO SMALL TO WARRANT THE EXPENSE OF INDIVIDUAL LITIGATION. THE CONSUMER'S PURSUIT OF A REMEDY OFTEN IS FURTHER HAMPERED BY THE DISCOVERY THAT THE TARGET DEFENDANT IS INSOLVENT OR BANKRUPT. THE CLASS ACTION DEVICE PERMITS A NUMBER OF CONSUMERS TO AGGREGATE THEIR SMALL CLAIMS INTO ONE CLAIM OF SUBSTANTIAL SIZE. DESPITE SOME PRACTICAL DRAWBACKS, THE CLASS ACTION SUIT MAY PROVE TO BE A VALUABLE TOOL IN CURBING CONSUMER FRAUD AND ABUSE IN THE TRAVEL INDUSTRY. (AUTHOR ABSTRACT MODIFIED)

77. **J. DORFMAN. CONSUMER'S ARSENAL.** 278 p. 1976. **NCJ-39966**

THIS REFERENCE BOOK DESCRIBES SUCCESSFUL TACTICS FOR DISGRUNTLED CONSUMERS, GIVES A LIST OF CONSUMER PROTECTION AGENCIES BY STATE, AND A LIST OF STRATEGIES TO FOLLOW BY SPECIFIC TYPE OF COMPLAINT. A TEN-STEP STRATEGY FOR COMPLAINT ESCALATION IS DESCRIBED IN DETAIL. EVERYTHING FROM TELEPHONE COMPLAINTS TO UNCONVENTIONAL TACTICS IS OUTLINED. THE STATE LIST GIVES ADDRESSES AND, IN SOME CASES, TELEPHONE NUMBERS OF CONSUMER ADVOCACY GROUPS. THE SPECIFIC COMPLAINT LISTING SUGGESTS LOGICAL COURSES OF ACTION FOR PROBLEMS INVOLVING THINGS FROM AUTO REPAIRS TO UTILITY BILLS.

Availability: PRAEGER PUBLISHERS C/O HOLT, RINEHART, WINSTON, 383 MADISON AVENUE, NEW YORK NY 10017.

78. **H. EDELHERTZ and M. WALSH. WHITE-COLLAR CHALLENGE TO NUCLEAR SAFEGUARDS.** BATTELLE HUMAN AFFAIRS RESEARCH CENTERS, 4000 N.E. 41ST STREET, SEATTLE WA 98105. 80 p. 1977. **NCJ-44483**

THIS STUDY DEFINES THE PARAMETERS OF THE THREAT TO SAFEGUARDS SYSTEMS POSED BY THE WHITE COLLAR ADVERSARY WHO USES SCHEMES EMPLOYING GUIDE AND DECEPTION, RATHER THAN FORCE, TO ATTEMPT DIVERSION OF NUCLEAR MATERIALS. THE STUDY'S AIM HAS BEEN TO EXPLORE THE POTENTIAL CAPABILITIES AND DANGERS PRESENTED BY THIS ADVERSARY, BOTH IN TERMS OF THE SPECIFIC ATTRIBUTES OF THE THREAT HE POSES AND IN LIGHT OF THE UNIQUE REGULATORY STRUCTURE AND EVOLUTIONARY DEVELOPMENT OF THE CIVILIAN NUCLEAR FIELD. THE POTENTIAL VULNERABILITY OF REGULATED CIVILIAN NUCLEAR FACILITIES TO DIVERSION OR RELATED VIOLATIONS IS ADDRESSED AGAINST THE BACKDROP OF THOSE PRACTICES AND DEVICES COMMONLY REFERRED TO AS 'WHITE COLLAR CRIME.' (AUTHOR ABSTRACT MODIFIED)

Sponsoring Agency: US NUCLEAR REGULATORY COMMISSION, WASHINGTON DC 20555.

Availability: NTIS Accession No. PB 262 195 (Microfiche); NCJRS MICROFICHE PROGRAM.

79. **B. I. EHRSTINE and J. A. MACK. PROFITABILITY THROUGH LOSS CONTROL.** 163 p. 1977. **NCJ-39291**

THIS DOCUMENT PROVIDES BASIC INFORMATION FOR PREPARING A COMPREHENSIVE LOSS CONTROL PROGRAM TO BE USED BY FINANCIAL INSTITUTIONS. DETAILED IN THE TEXT ARE INSTRUCTIONS FOR SUPERVISORY PERSONNEL WITH SECURITY RESPONSIBILITIES IN BECOMING COGNIZANT OF SECURITY PLANNING AND TRAINING. THE INSTRUCTIONS ARE DESIGNED TO AID THESE SUPERVISORS IN MEETING THE REQUIREMENTS OF THE BANK SECURITY ACT AND IN INSTITUTING LOSS CONTROL TECHNIQUES THROUGHOUT THEIR ORGANIZATION. AREAS COVERED INCLUDE A DESCRIPTION OF THE BANK PROTECTION ACT, ALARM SYSTEMS, SURVEILLANCE SYSTEMS, CHECK FRAUDS, AND COUNTERFEITING. EMBEZZLEMENT CRIMES THAT BANK EMPLOYEES ARE DIRECTLY RESPONSIBLE FOR ARE COMMENTED ON. ALSO EXPLAINED ARE PROCEDURES BANK PERSONNEL SHOULD FOLLOW IN A CRISIS SITUATION, PARTICULARLY BANK ROBBERY. A BANK SECURITY SURVEY IS INCLUDED IN THE INDEX. (AUTHOR ABSTRACT MODIFIED)

Availability: ANDERSON PUBLISHING COMPANY, 646 MAIN STREET, CINCINNATI OH 45201.

80. **J. R. ELKINS. CORPORATIONS AND THE CRIMINAL LAW—AN UNEASY ALLIANCE.** UNIVERSITY OF KENTUCKY COLLEGE OF LAW, LEXINGTON KY 40506. *KENTUCKY LAW JOURNAL,* V 65, N 1 (1976-1977), P 73-129. **NCJ-40934**

THE DEVELOPMENT OF CRIMINAL LAW AS APPLIED TO CORPORATIONS IS TRACED FROM 18TH CENTURY ENGLAND TO THE STATE OF CORPORATE CRIMINAL LAW IN THE UNITED STATES TODAY. IN GENERAL, 18TH CENTURY ENGLISH CORPORATIONS WERE NOT SUBJECT TO CRIMINAL INDICTMENT, BUT THEY WERE LIABLE TO PROSECUTION FOR 'NONFEASANCE' (I.E., THE FAILURE TO PERFORM A PUBLIC DUTY IMPOSED BY THE STATE). AT THAT TIME, THE CORPORATE ENTERPRISE, WHICH WAS IN ITS INFANCY, HAD LITTLE IMPACT ON THE CITIZENRY. IT WAS NOT UNTIL 1842 THAT A CORPORATION'S RESPONSIBILITY FOR CRIMINAL ACTIONS WAS DELINEATED. THE LIABILITY OF ENGLISH CORPORATIONS FOR INTENTIONAL CRIMES WAS SANCTIONED IN THE EARLY 20TH CENTURY BUT NOT FULLY ESTABLISHED UNTIL WORLD WAR II. CORPORATE CRIMINAL LAW IN THE U.S. HAD A SIMILAR GROWTH PATTERN AND WAS INFLUENCED BY CORPORATE CIVIL LAW. IN THE EARLY 1900'S, CORPORATE CRIMINAL PROCEEDINGS USUALLY INVOLVED MUNICIPAL CORPORATIONS. CORPORATE CRIMINAL LIABILITY IS BASED ON IMPUTING ACTS AND INTENT OF CORPORATION MEMBERS TO THE CORPORATION ITSELF; ITS SCOPE DEPENDS LARGELY UPON WHICH INDIVIDUAL CRIMINAL ACTS WILL BE IMPUTED OR ASCRIBED TO THE CORPORATIONS. THIS QUESTION IS COMPLICATED BY THE HIERARCHICAL NATURE OF ORGANIZATIONS. COURTS MUST LOOK FOR AUTHORIZATION OR ACQUIESCING LINKS BETWEEN SUBORDINATE EMPLOYEES AND THE 'INNER CIRCLE' OF THE CORPORATION. CORPORATE DEFENSES TO CRIMINAL LIABILITY FOR SUBORDINATE EMPLOYEES ACTS, THEREFORE, ARE USUALLY BASED ON LACK OF KNOWLEDGE OF OFFENSE BY CORPORATE OFFICERS AND ARGUMENTS THAT EMPLOYEES ACTED OUTSIDE OF THE SCOPE OF EMPLOYMENT. ACCORDING TO A REVIEW OF COURT CASES, THE DEFINITIONS OF CORPORATE CRIMINAL LIABILITY FOUND IN THE PROPOSED FEDERAL CRIMINAL CODE AND THE MODEL PENAL CODE ARE MORE NARROW THAN THAT BEING USED BY FEDERAL COURTS.

FEDERAL COURTS IMPUTE TO THE CORPORATE EMPLOYER LIABILITY FOR ALL CRIMINAL ACTS BY SUBORDINATE EMPLOYEES, REGARDLESS OF THE CORPORATION'S GOOD FAITH EFFORTS AND EXPLICIT INSTRUCTIONS TO SECURE COMPLIANCE. FOOTNOTES ARE PROVIDED.

81. **L. P. FELDMAN. CONSUMER PROTECTION—PROBLEMS AND PROSPECTS.** WEST PUBLISHING COMPANY, 50 WEST KELLOGG BOULEVARD, ST PAUL MN 55102. 313 p. 1976. **NCJ-46318**

ISSUES AND LEGISLATION RELATED TO CONSUMER PROTECTION ARE OUTLINED AS THEY PERTAIN TO THE RELATIONSHIPS BETWEEN SELLERS AND CONSUMERS. THE BOOK MAKES EXPLICIT THE NATURE OF SELLER-CONSUMER ISSUES, SUCH AS SELLERS CONDEMNING THE CONSUMER POINT OF VIEW BY ASSUMING THAT CONSUMER PROTECTION IS WITHOUT FOUNDATION; AND CONSUMERS INTERPRETING SELLERS' ACTIONS IN TERM OF GREED, VENALITY, AND EXPEDIENCY. THE VALUE JUDGMENTS INHERENT IN THE SOLUTIONS OF CONSUMER PROTECTION PROBLEMS ARE REVEALED. THREE MAIN SECTIONS FOCUS ON EVENTS THAT HAVE SHAPED THE ENVIRONMENT FOR CONSUMER PROTECTION. PART ONE EXAMINES THE ENVIRONMENTAL FACTORS RESPONSIBLE FOR THE EMERGENCE OF CONSUMER PROTECTION. IT TRACES THE HISTORY OF THE CONSUMER MOVEMENT, DEALS WITH SOURCES OF CONFLICT IN THE SELLER-CONSUMER CYCLE, AND VIEWS THE IMPACT OF FEDERAL GOVERNMENT REGULATORY ACTIVITY ON CONSUMER PROTECTION. THE SECOND PART DEALS WITH SPECIFIC CONSUMER PROTECTION ISSUES RANGING FROM PRODUCT SAFETY TO CONSUMER PROTECTION OF SPECIAL GROUPS. PART THREE DELVES INTO THE FUTURE OF CONSUMER PROTECTION BY ATTEMPTING TO EVALUATE THE EFFECTIVENESS OF SELF-REGULATORY ACTIVITY ON THE PART OF BUSINESS. PROMINENT CONSUMER PROTECTION LEGISLATION, FROM THE 1906 FOOD AND DRUG ACT TO THE 1975 MAGNUSON-MOSS WARRANTY/FEDERAL TRADE COMMISSION IMPROVEMENT ACT IS PROVIDED IN AN APPENDIX. AN INDEX IS INCLUDED.

Availability: WEST PUBLISHING COMPANY, 50 WEST KELLOGG BOULEVARD, ST PAUL MN 55102.

82. **E. FETTERMAN and M. K. SCHILLER. LET THE BUYER BE AWARE—CONSUMER RIGHTS AND RESPONSIBILITIES.** 217 p. 1976. **NCJ-40117**

BOOK DESCRIBES EXTENT OF CONSUMER FRAUD, VICTIMIZATION, AND WHAT THE CONSCIENTIOUS BUYER CAN DO TO PREVENT IT. THE AUTHORS, BOTH COLLEGE LECTURERS IN THIS FIELD, COVER SUCH TOPICS AS MEDICAL QUACKERY; HOME IMPROVEMENT SWINDLE; AND AUTOMOBILE, ADVERTISING, CREDIT, AND REAL ESTATE FRAUD. APPENDICES INCLUDE ADDRESSES OF FEDERAL TRADE COMMISSION REGIONAL OFFICES, SAMPLE LETTERS TO CREDITORS, AND THE ADDRESSES OF FEDERAL CONSUMER HELP AGENCIES. LETTING OFF STEAM TO YOUR NEIGHBOR MAY MAKE YOU FEEL BETTER WHEN YOU'VE BEEN TAKEN, THESE CONSUMER ADVOCATES POINT OUT, BUT IT SELDOM SOLVES YOUR CONSUMER PROBLEM.

Availability: FAIRCHILD PUBLICATIONS, INC, 7 EAST 12TH STREET, NEW YORK NY 10003.

83. **W. B. FISSE. SOCIAL POLICY OF CORPORATE CRIMINAL RESPONSIBILITY.** ADELAIDE LAW REVIEW ASSOCIATION THE LAW SCHOOL UNIVERSITY OF ADELAIDE, ADELAIDE, AUSTRALIA 5000. *ADELAIDE LAW REVIEW,* V 6, N 3 (SEPTEMBER 1978), P 361-412. **NCJ-63686**

THE AIMS OF CORPORATE CRIMINAL RESPONSIBILITY, BOTH AS A SOCIAL POLICY AND AS A LEGAL DOCTRINE, ARE DISCUSSED. CORPORATE CRIMINAL RESPONSIBILITY IS ONE OF THE FEW COLLECTIVE LEGAL RESPONSES TO THE HARM DONE BY CORPORATIONS. ITS MOST IMPORTANT AIM IS DETERRENCE: COERCIVE FORCE IS APPLIED INDIRECTLY TO OFFICERS, EMPLOYEES, AND SHAREHOLDERS WHEN THERE IS LOWER CORPORATE PROFIT (E.G., LOWER SALARIES), REDUCED PRESTIGE, OR UPSET OF INTERNAL DISCIPLINE (CONVICTION OR SENTENCE). A SECOND MAJOR FUNCTION IS TO PROMOTE INTERNAL DISCIPLINE; HOLDING A CORPORATION RESPONSIBLE FOR AN OFFENSE CREATES SOME PRESSURE ON IT TO DEVELOP AND APPLY AN INTERNAL DISCIPLINE CODE. SPECIFIC PREVENTION, A THIRD IMPORTANT FUNCTION, INVOLVES DIRECTING COERCIVE MEASURES AT THE PART OF A CORPORATION'S OPERATION MOST VULNERABLE TO CRIMINAL EXPLOITATION. PREVENTIVE ORDERS REQUIRING A CORPORATION TO INSTALL A PARTICULAR KIND OF ANTIPOLLUTION DEVICE OR TO IMPROVE ITS COMMUNICATION NETWORK ARE EXAMPLES OF SPECIFIC PREVENTION. THE GENERAL PREVENTIVE AIMS OF CORPORATE CRIMINAL RESPONSIBILITY BROADLY HELP TO PROVIDE A RATIONALE FOR CONFORMITY: SUBJECTING CORPORATIONS TO CRIMINAL LAW NOT ONLY GIVES OFFICERS OR EMPLOYEES A REASON FOR THINKING BEYOND THEIR OWN PERSONAL CHANCES OF EVASION OF JUSTICE BUT ALSO HELPS TO KEEP THE INTERNAL CORPORATE SYSTEM FROM BEING REGARDED AS EMPLOYEES' PRIMARY LOYALTY. THE FUNCTIONS OF COMPENSATION, RESTITUTION, AND RESTORATION SERVE AS LEGAL REMEDIES FOR MULTIPLE VICTIMS AND PUBLIC HARM. UNFORTUNATELY, THE RETRIBUTIVE FUNCTION OF CORPORATE CRIMINAL RESPONSIBILITY IS UNDERMINED BY ITS INABILITY TO AVOID DISTRIBUTING RETRIBUTIVE PUNISHMENT TO MORALLY UNRESPONSIBLE ASSOCIATES. FINALLY, A BROADER AIM IS TO PROVIDE PUBLIC INFORMATION, TO WARN THOSE WHO MAY SUFFER OR HAVE SUFFERED FROM THE CORPORATION'S PAST OR FUTURE OFFENSES, TO GIVE INVESTORS AND CONSUMERS INFORMATION RELEVANT TO THEIR FUTURE DEALINGS WITH A CORPORATION, AND TO HEIGHTEN COMMUNITY PERCEPTIONS OF THE DYNAMIC BALANCE BETWEEN POLITICAL AND CORPORATE POWER. THESE AIMS REQUIRE FURTHER INVESTIGATION. CASE LAW IS CITED AND EXTENSIVE FOOTNOTES ARE PROVIDED.

84. **G. GEIS. VICTIMIZATION PATTERNS IN WHITE-COLLAR CRIME (FROM VICTIMOLOGY—A NEW FOCUS, V 5 EXPLOITERS AND EXPLOITED, 1975, BY I DRAPKIN AND E VIANO—SEE NJC-17231).** D C HEATH AND COMPANY, 125 SPRING STREET, LEXINGTON MA 02173. 17 p. 1975. **NCJ-40335**

THIS PAPER FOCUSES ON WHITE COLLAR CRIMES INCIDENTAL TO AND IN FURTHERANCE OF BUSINESS OPERATIONS, BUT NOT THE CENTRAL PURPOSES OF THE BUSINESS, AND TAKES MOST OF ITS EXAMPLES FROM THE GENERAL AREA OF CONSUMER FRAUD. IT IS SUGGESTED THAT THERE ARE VARIOUS KINDS OF WHITE COLLAR CRIME IN WHICH THE STATUTES PREORDAIN THE NATURE OF THE VICTIMS, (COMMERCIAL ESPIONAGE AND DECEPTIVE ADVERTISING, FOR EXAMPLE). THE DISTRIBUTION AND PATTERNING OF VICTIMIZATION AMONG SUCH DEFINITIONALLY DELIMITED TARGETS IS A FUNCTION OF THE PERCEIVED NEED OF THE OFFENDER TO ENHANCE HIS POSITION AND A CONSEQUENCE OF THE FACT THAT THE WHITE COLLAR ENTREPRENEUR OR EXECUTIVE COMES TO BELIEVE THAT HE CAN AND SHOULD VIOLATE THE LAW. THE KEY ANALYTICAL CONCEPT RELATING TO WHITE COLLAR CRIME VICTIMIZATION APPEARS TO BE WHAT MIGHT BE LABELED 'VICTIM RESPONSIVENESS'—THE AWARENESS OF THE VICTIM THAT HE HAS BEEN CHEATED OR INJURED, HIS ANGER OVER THE FACT THAT THIS HAS TAKEN PLACE, THE ACTIONS HE TAKES TO SEE THAT HE IS MORE ADEQUATELY PROTECTED IN THE FUTURE, AND THE PROCEDURES HE EMPLOYS, IF ANY, TO SEE THAT OTHER KINDS OF WHITE COLLAR ACTS WHICH EXPLOIT PEOPLE ARE OUTLINED.

85. **S. D. GOODWIN. INDIVIDUAL LIABILITY OF AGENTS FOR CORPORATE CRIMES UNDER THE PROPOSED FEDERAL CRIMINAL CODE.** VANDERBILT UNIVERSITY SCHOOL OF LAW, NASHVILLE TN 37240. *VANDERBILT LAW REVIEW,* V 31, N 4 (MAY 1978), P 965-1016. **NCJ-52647**

THE DEVELOPMENT AND STATUS OF STATE AND FEDERAL LAW DEALING WITH INDIVIDUAL LIABILITY FOR CORPORATE CRIME ARE EXAMINED, WITH PARTICULAR EMPHASIS ON THE PROPOSED FEDERAL CRIMINAL CODE. STATE COURTS AIM TO AVOID VICARIOUS LIABILITY BY IDENTIFYING INDEXES OF PARTICIPATION BY CORPORATE OFFICIALS IN THE CRIMINAL CONDUCT OF SUBORDINATES. LIABILITY THUS ATTACHES DUE TO PERSONAL MISCONDUCT OF A DEFENDANT, MANIFESTED BY ACTIVE PARTICIPATION IN AN OFFENSE AS AN AIDER, ABETTER, OR ACCOMPLICE; PASSIVE PARTICIPATION THROUGH KNOWLEDGE OR THE OPPORTUNITY TO GAIN KNOWLEDGE ABOUT AN OFFENSE AND PRESUMED SUBSEQUENT ACQUIESCENCE; OR FAILURE TO FULFILL A DUTY TO CONTROL CORPORATE ACTIONS. LIABILITY FOR CONDUCT IN A REPRESENTATIVE CAPACITY AND LIABILITY AS A PARTICIPANT ARE ISSUES IN THE CULPABILITY OF INDIVIDUALS WITHIN CORPORATIONS UNDER STATE LAW. STATE COURTS UTILIZE JUDICIALLY CREATED STANDARDS TO IDENTIFY CORPORATE OFFICIALS LIABLE FOR A CORPORATION'S VIOLATION OF CRIMINAL LAWS, AND SOME STATUTORY SCHEMES SPECIFY SUPERIOR OFFICIALS WHO WILL BE HELD RESPONSIBLE FOR CRIMES OF A CORPORATION. OFTEN RELYING ON STATE LAW PRECEDENTS, THE FEDERAL JUDICIARY AND STATUTES ALSO IMPOSE LIABILITY FOR PARTICIPATION (ACTUAL OR CONSTRUCTIVE KNOWLEDGE) AND FAILURE TO CONTROL CORPORATE MISCONDUCT. LIKE THEIR STATE COUNTERPARTS, FEDERAL COURTS AVOID IMPOSING VICARIOUS LIABILITY ON CORPORATE OFFICIALS BY ARTICULATING STANDARDS OF CULPABILITY THAT REQUIRE EITHER PERSONAL MISCONDUCT OF A DEFENDANT OR THE PRESENCE OF ILLEGAL CORPORATE ACTIVITY THAT A DEFENDANT IS CHARGED BY LAW TO PREVENT. THE MOST PROMINENT SUPREME COURT CASE ADDRESSING THE PROPER IDENTIFICATION OF CORPORATE OFFICIALS LIABLE FOR CORPORATE CRIMES IS UNITED STATES VERSUS DOTTERWEICH, THE ISSUE BEING THE PROPER STATUTORY CONSTRUCTION OF 'PERSON' IN THE FOOD AND DRUG ACT. ANOTHER IMPORTANT CASE INVOLVING INDIVIDUAL LIABILITY IN CORPORATE CRIMES IS UNITED STATES VERSUS PARK. THE PRIMARY GOAL OF THE PROPOSED FEDERAL CRIMINAL CODE IS TO REVISE AND CONSOLIDATE ALL FEDERAL FELONY PROVISIONS INTO A SINGLE TITLE OF THE U.S. CODE. SECTION 403 OF THE PROPOSED CODE FOCUSES ON GENERAL PRINCIPLES OF INDIVIDUAL LIABILITY FOR CRIME IN THE CORPORATE SETTING. DEFENSES AND LIMITATIONS ON LIABILITY ARE STIPULATED IN THE PROPOSED CODE. CASE LAW IS CITED WITH EXTENSIVE FOOTNOTES.

86. **E. GROSS. ORGANIZATIONAL CRIME—A THEORETICAL PERSPECTIVE (FROM STUDIES IN SYMBOLIC INTERACTION, 1978, BY NORMAN K DENZIN).** JAI PRESS, P O BOX 1285, 165 WEST PUTMAN AVENUE, GREENWICH CT 06830. 31 p. 1978. **NCJ-54815**

THE GOAL-ORIENTED NATURE OF ORGANIZATIONS IS A CRIMINOGENIC FACTOR, LEADING PARTICULAR DEPARTMENTS AND PERSONNEL TO CONFUSE MEANS AND ENDS TO ATTAIN GOALS. INSTANCES OF CORPORATE WRONGDOING ILLUSTRATE THE PAPER. ORGANIZATIONS ARE TYPICALLY DEFINED AS SOCIAL ARRANGEMENTS THAT COORDINATE EFFORTS TOWARD THE ATTAINMENT OF COLLECTIVE GOALS. GIVEN A SITUATION OF UNCERTAINTY IN ATTAINING GOALS AND ONE IN WHICH AN ORGANIZATION IS JUDGED BY ITS SUCCESS IN GOAL ATTAINMENT OR PERFORMANCE, ONE CAN PREDICT THAT AN ORGANIZATION WILL, IF NECESSARY, ENGAGE IN CRIMINAL BEHAVIOR TO ATTAIN ITS GOALS. THIS REPRESENTS A COMMONLY ACCEPTED GENERALIZATION: WHEN INDIVIDUALS ARE PLACED IN A POSITION WHERE PERFORMANCE IS EMPHASIZED, PRESSURE TO VIOLATE NORMS WILL EXIST. WHILE INDIVIDUALS HAVE GOALS AND ARE FREQUENTLY JUDGED BY THEIR SUCCESS IN ATTAINING THEM, THEY ARE NOT MERE GOAL-PURSUING ENTITIES; THEY ARE ALSO CONCERNED WITH CONSUMMATORY ACTIVITIES AND ARE VALUED AS WHOLE PERSONS. ORGANIZATIONS ENGAGE IN STRATEGIES TO REDUCE UNCERTAINTY AND ARE MORE CAPABLE OF REDUCING UNCERTAINTY THAN INDIVIDUALS. WIDE PERSONALITY SPLITS IN INDIVIDUALS ARE ASSUMED BY MANY PSYCHIATRISTS TO BE SYMPTOMATIC OF SOME DISORDER. IN ORGANIZATIONS, DIVISION OF LABOR AND DEPARTMENTAL SPECIALIZATION ARE NOT INDICATIVE OF SOME PROCESS OF SCHIZOPHRENIA BUT ARE RATHER THE BASIS OF ORGANIZATIONAL STRUCTURE. EVIDENCE OF ORGANIZATIONAL CRIME IS EXTENSIVE. FOUR CONTENTIONS RELATED TO THE CRIMINOGENIC NATURE OF ORGANIZATIONS ARE SPECIFIED: (1) AS AN ORGANIZATION IS MORE SUBJECT TO ACCOUNTABILITY (I.E., JUDGMENT OF GOAL ATTAINMENT), THE LIKELIHOOD IS GREATER THAT IT WILL ENGAGE IN CRIME; (2) ORGANIZATIONS VARY IN THE EXTENT TO WHICH THEIR OUTPUTS ARE MEASURABLE AND THE EXTENT OF AGREEMENT ON THE VALUE OF OUTPUTS; (3) PRESSURE TO ENGAGE IN CRIME IS LIKELY TO BE INVERSELY RELATED TO GOAL DISPLACEMENT (I.E., A DEVICE THAT REDUCES AN ORGANIZATION'S NEED TO ADOPT DEVIANT MEANS TO ATTAIN GOALS IN FAVOR OF THE MINIMAL GOALS AND EFFORTS NEEDED TO KEEP THE ORGANIZATION ALIVE); AND (4) IN GENERAL, PARTS OF AN ORGANIZATION MOST EXPOSED TO ITS ENVIRONMENT WILL BE THOSE PARTS MOST SUBJECT TO DEVIATE. STUDIES SHOW THAT ONLY A SMALL PROPORTION OF INDIVIDUALS WITHIN AN ORGANIZATION STRIVE FOR OR EVENTUALLY ATTAIN HIGH POSITIONS. DISTINCTIVE FEATURES OF THIS SMALL GROUP OF INDIVIDUALS ARE AMBITIOUSNESS, SHREWDNESS, AND MORAL FLEXIBILITY. THE PROBLEM WITH ORGANIZATIONS AND ORGANIZATIONAL CRIME INVOLVES GOALS, WHATEVER GOALS HAPPEN TO BE. A LIST OF REFERENCES IS ACCOMPANIED BY FOOTNOTES.

87. **C. M. HELLEBUSCH. ESTABLISHING AN EMBEZZLEMENT MODEL FOR THE RETAIL DRUG INDUSTRY.** 40 p. 1978. **NCJ-52308**

USING DATA FROM 49 EMBEZZLEMENT CASES IN A DRUG COMPANY, A MODEL FOR THE OFFENDER AND THE CIRCUMSTANCES OF HIS OFFENSE IS DEVELOPED AND COMPARED WITH PARTICULAR THEORIES OF WHITE-COLLAR CRIME. THREE OBJECTIVES WERE SET FOR THE STUDY: (1) TO DETERMINE IF A SPECIFIC EMBEZZLEMENT MODEL CAN BE IDENTIFIED FOR THE RETAIL DRUG INDUSTRY; (2) TO DETERMINE IF THAT MODEL CAN BE MEASURED EMPIRICALLY; AND (3) TO DETERMINE IF THE MODEL DIFFERS FROM THE SPECIAL OPPORTUNITY THEORIES OUTLINED BY SUTHERLAND (1949) AND CRESSEY (1973). DATA WERE OBTAINED FROM THE LOSS-PREVENTION DEPARTMENT OF ONE MAJOR RETAIL DRUG COMPANY FOR THE PERIOD JANUARY 1, 1976 THROUGH DECEMBER 31, 1977. THE SAMPLE CONSISTED OF 49 PEOPLE WHO HAD BEEN APPREHENDED WHILE CONVERTING COMPANY FUNDS TO THEIR OWN USE WITHOUT PROPER COMPENSATION TO THE COMPANY. EACH PERSON IN THE SAMPLE WAS ANALYZED TO DETERMINE PERSONAL CHARACTERISTICS, BACKGROUND, AND CIRCUMSTANCES OF THE OFFENSE. A MODEL IS DEVELOPED SHOWING THAT THE RETAIL DRUG EMBEZZLER IS A SINGLE MALE APPROXIMATELY 28 YEARS OLD. HE IS NORMALLY A CLERK, WHO HAS OPPORTUNITY TO STEAL BECAUSE OF HIS POSITION IN THE COMPANY. THE EMBEZZLER'S INCOME IS MEDIUM-LOW, AROUND $7,700 ANNUALLY, AND THE AMOUNT STOLEN AVERAGES APPROXIMATELY $1,000. IT IS INDICATED THAT THE RETAIL DRUG MODEL DEVELOPED DOES NOT DIFFER

SIGNIFICANTLY FROM THE EMBEZZLEMENT PROFILE CONSTRUCTED BY REDDEN (1939). IN CONTRAST TO SUTHERLAND'S THEORY, THE DEVELOPED EMBEZZLEMENT MODEL INDICATES THAT THE 'SPECIAL OPPORTUNITY' CRIMINAL IN THE RETAIL DRUG INDUSTRY IS NOT WELL-OFF FINANCIALLY. CRESSEY'S THEORY THAT EMBEZZLEMENT DERIVES FROM A NONSHARABLE AND SECRETLY RESOLVED FINANCIAL DIFFICULTY IS CHALLENGED BY NOTING THAT 6 PERCENT OF THE EMBLEZZLERS ENGAGED IN COLLUSION WITH OTHERS. RESEARCH QUESTIONS RAISED AS A RESULT OF THE DATA ARE PROPOSED. REFERENCES AND DATA ARE PROVIDED.

Supplemental Notes: EASTERN KENTUCKY UNIVERSITY—MASTERS DISSERTATION.

Availability: NCJRS MICROFICHE PROGRAM.

88. **D. H. HERMANN. CONSPIRACY, THE BUSINESS ENTERPRISE, WHITE COLLAR CRIME AND FEDERAL PROSECUTION—A PRIMER FOR PRACTICE.** CREIGHTON UNIVERSITY SCHOOL OF LAW, 2500 CALIFORNIA STREET, OMAHA NE 68178. *CREIGHTON LAW REVIEW,* V 9, N 4 (JUNE 1976), P 647-676. **NCJ-40206**

REVIEW OF THE SUBSTANTIVE LAW OF CRIMINAL CONSPIRACY AS IT APPLIES TO THE BUSINESS ENTERPRISE, AS WELL AS SPECIFIC STATUTORY PROVISIONS WHICH MAKE PARTICULAR AGREEMENTS ILLEGAL. THE LARGEST PART OF THE DISCUSSION IS LIMITED TO CONSPIRACY PROSECUTIONS UNDER FEDERAL LAW. FIRST, THE NATURE OF WHITE COLLAR CRIME IS CONSIDERED, AND THE APPLICATION OF GENERAL CONSPIRACY PROVISIONS TO SUCH CRIMINAL ACTIVITY IS EXAMINED. FOLLOWING THIS GENERAL DISCUSSION, ATTENTION IS GIVEN TO THE ELEMENTS OF THE SPECIFIC CRIMES OF CONSPIRACY TO RESTRAIN TRADE AND TO MONOPOLIZE. FINALLY, CONSIDERATION IS GIVEN TO THE USE OF THE GENERAL CONSPIRACY LAW TO DEAL WITH SPECIFIC CHARGES OF CONSPIRACY TO VIOLATE FEDERAL SECURITIES LAWS AND THE INTERNAL REVENUE CODE. (AUTHOR ABSTRACT)

89. **R. A. HUDSON. CUSTOMER PROTECTION IN THE COMMODITY FUTURES MARKET.** BOSTON UNIVERSITY SCHOOL OF LAW, 765 COMMONWEALTH AVENUE, BOSTON MA 02215. *BOSTON UNIVERSITY LAW REVIEW,* V 58, N 1 (JANUARY 1978), P 1-43. **NCJ-47194**

THE DIFFERENCES SEPARATING COMMODITY AND SECURITY TRADING ARE EXAMINED AND THE SCOPE OF EXISTING GOVERNMENT REGULATIONS REGARDING THE FUTURES MARKET IS EVALUATED. A COMMODITY IS AN ARTICLE OF TRADE OR COMMERCE, A TANGIBLE PRODUCT GENERALLY PRODUCED AND SOLD IN VOLUME. SPECULATORS ARE ATTRACTED TO THE FUTURES MARKET BY THE POSSIBILITY OF MAKING ENORMOUS PROFITS FROM RELATIVELY MODEST INITIAL INVESTMENTS. COMMODITY SPECULATORS DIFFER FROM SECURITIES TRADERS IN FOUR WAYS: SPECULATORS NEED NOT BUY AT THE FULL MARKET PRICE; COMMODITY INVESTORS LOOK ONLY FOR PRICE GAINS AND LOSSES, WHILE SECURITIES TRADERS MAY ALSO BE INTERESTED IN DIVIDENDS, OPTIONS, SPLITS AND PROXIES; THE SPECULATIVE NATURE OF FUTURES TRADING DEMANDS THAT TRADERS CHANGE POSITIONS RAPIDLY AND OFTEN; AND COMMODITY FUTURES ARE CONFINED BY REGULATION TO MAXIMUM DAILY PRICE FLUCTUATION LIMITS THAT ARE INTENDED TO MINIMIZE THE EFFECTS OF SENSATIONAL NEW DEVELOPMENTS. THE DIFFERENCE IN BROKER COMMISSION STRUCTURES ARE DISCUSSED, AS ARE THE NATURE OF AND ALTERNATIVES TO INDIVIDUAL FUTURES INVESTMENT. THE RECENT APPLICATION OF FEDERAL REGULATION TO THE TRADING OF COMMODITY FUTURES AND THE INVESTOR-PROTECTION NATURE OF THE COMMODITY FUTURES TRADING COMMISSION ARE DISCUSSED. PROBLEMS WITHIN THE COMMODITY FUTURES MARKET SUCH AS THE SUITABILITY DOCTRINE, BROKER CONTROL OF TRADING ACTIVITY, EXCESSIVE TRADING, CUSTOMER PROFITS AND LOSSES, UNAUTHORIZED TRADING, MANIPULATION, AND OTHER FRAUDULENT ACTIVITIES ARE DISCUSSED. THE FORUMS FOR BROKER-CUSTOMER DISPUTE RESOLUTION, CLAIMS ARBITRATION, REPARATIONS PROCEEDINGS, PRIVATE RIGHTS OF ACTION IN FEDERAL COURT, AND FORUM CONFLICTS ARE OVERVIEWED. IT IS CONCLUDED THAT THE INFLUX OF INEXPERIENCED TRADERS INTO THE FUTURES MARKET MAKES THE ADOPTION OF SUITABILITY RULES PARTICULARLY URGENT. ONLY THROUGH IMPROVING SELF-REGULATION WILL EXCHANGES AND THEIR MEMBERS AVOID A REGULATORY OVERLOAD AND EFFECT A WORKABLE BALANCE BETWEEN INDUSTRY NEEDS AND CUSTOMER PROTECTION. EXTENSIVE FOOTNOTES ARE PROVIDED.

90. **J. M. JOHNSON and J. D. DOUGLAS, Eds. CRIME AT THE TOP—DEVIANCE IN BUSINESS AND THE PROFESSIONS.** J B LIPPINCOTT, EAST WASHINGTON SQUARE, PHILADELPHIA PA 19105. 359 p. 1978. **NCJ-47130**

THE COMPLEX, OFTEN PROBLEMATICAL AND CONFUSING SOCIAL AND LEGAL DEFINITIONS OF THIS MOST PERVASIVE FORM OF DEVIANCE ARE EXPLORED. THE NATURE OF FINANCIAL DEVIANCE WITHIN THE MIDDLE AND UPPER LEVELS OF BUSINESS AND THE PROFESSIONS IS EXAMINED IN A SELECTION OF ARTICLES BY VARIOUS AUTHORS. SECTIONS DEALING WITH THE NATURE, IMPACT, AND THE PROSECUTION OF WHITE-COLLAR CRIME SERVE AS AN INTRODUCTION. NEXT, THE EFFECTS AND MEANS OF BUSINESS DEVIANCE IN DAILY LIFE ARE NOTED; A STUDY OF THE BURGLAR ALARM BUSINESS, THE SOCIAL MEANING OF EMPLOYEE THEFT, THE FINANCIAL VICTIMIZATION OF ELDERLY CARED FOR IN NURSING HOMES, AND AN ARIZONA LAND FRAUD CONTROVERSY ARE DETAILED. SECURITIES FRAUD, PRICE-FIXING, AND OTHER HIGH-LEVEL FINANCIAL PRACTICES ARE DISCUSSED, INCLUDING THE EQUITY FUNDING CASE, CRIMINAL PRACTICES ON WALL STREET, AND THE LOCKHEED SCANDAL OF 1975. PROFESSIONAL DEVIANCE, WHICH HAS RARELY BEEN CONSIDERED IN SOCIOLOGICAL STUDIES, OFTEN OVERLAPS BUSINESS DEVIANCE. THIS IS SEEN IN MAJOR QUESTIONS CONCERNING POSSIBLE INVOLVEMENT OF PROFESSIONAL ACCOUNTANTS IN FRAUD CASES. PROFESSIONAL WRONGDOING OFTEN HAS FAR MORE SERIOUS CONSEQUENCES FOR THE CLIENTS INVOLVED; MEDICAL MALPRACTICE MAY RESULT IN LOSS OF LIFE AND LEGAL MALPRACTICE IN YEARS OF PRISON CONFINEMENT FOR ESSENTIALLY INNOCENT CLIENTS. THE SALE OF MEDICAL DEGREES, CRISES FACED BY PATIENTS, OFFICIAL VIOLENCE MASKED UNDER A VEIL OF CORPORAL PUNISHMENT, AND THE PRACTICE OF LAW AS A CONFIDENCE GAME, ARE DETAILED. THE LAST CHAPTERS ARE PRIMARILY CONCERNED WITH THE MAJOR SOLUTIONS THAT HAVE BEEN PROPOSED IN RECENT YEARS WITH REGARD TO SPECIFIC FORMS OF PROFESSIONAL AND BUSINESS DEVIANCE. CRIMINAL SANCTION IN THE ENFORCEMENT OF ECONOMIC LEGISLATION AND A DALLAS ORDINANCE AGAINST CAR REPAIR FRAUDS ARE DISCUSSED, AND THE CASE OF FEDERAL COMPLICITY IN THE FAILURE OF THE U.S. NATIONAL BANK ARE REVIEWED. BRIBERY AS A NONDEFENSIBLE CRIME, AND WHITE-COLLAR CRIME AND THE CRIMINAL PROCESS ARE ALSO EXAMINED. NOTES AND REFERENCES ARE INCLUDED AT THE CLOSE OF EACH CHAPTER. NO INDEX IS PROVIDED. SEE ALSO NCJ 47131-47138.

Availability: J B LIPPINCOTT, EAST WASHINGTON SQUARE, PHILADELPHIA PA 19105.

91. **K. W. JOHNSON, R. A. TAMBERRINO, A. A. MARSHALL, and A. A. MOYER. CONSUMER PROTECTION—RESPONSIVENESS OF CONTROL AGENTS TO VICTIMS OF FRAUD.** VISAGE PRESS, INC, 108A SOUTH COLUMBUS STREET, ALEXANDRIA VA 22314. *VICTIMOLOGY,* V 3, N 1-2 (1978), P 63-76. **NCJ-54222**

THE IMPRESSIONS OF VICTIMS OF CONSUMER FRAUD WHO BROUGHT COMPLAINTS TO A SPECIAL CONSUMER/COM-

MERCIAL FRAUD UNIT HOUSED IN THE STATE ATTORNEY'S OFFICE OF PRINCE GEORGE'S COUNTY, MD., ARE ANALYZED. SPECIAL CONSUMER FRAUD UNITS IN STATE AND LOCAL PROSECUTORS' OFFICES HAVE BEEN CREATED IN RESPONSE TO RECOGNIZED DEFICIENCIES IN THE CLASS ACTION SUIT AS A PRINCIPAL RECOURSE. THE PRINCE GEORGE'S COUNTY UNIT, STAFFED BY A FULL-TIME INVESTIGATOR AND A PART-TIME PROSECUTOR, EMPHASIZES INTRINSIC COMPENSATION FOR VICTIMS (FREQUENT CONTACT WITH VICTIMS, APPROPRIATE DEMEANOR ON THE PART OF THE INVESTIGATOR, PROVISION OF CRIME PREVENTION TIPS, NOTIFICATION OF CASE DISPOSITION). TO DETERMINE THE RELATIVE IMPORTANCE OF INTRINSIC COMPENSATION AND EXTRINSIC COMPENSATION (RESTITUTION) IN INFLUENCING VICTIMS' ATTITUDES TOWARD THE UNIT, INTERVIEWS WERE CONDUCTED WITH 54 OF THE 109 VICTIMS WHO FILED COMPLAINTS WITH THE UNIT OVER A 20-MONTH PERIOD. BEING INFORMED BY THE UNIT OF THE FINAL CASE DISPOSITION EMERGED AS THE MOST IMPORTANT DETERMINANT OF THE VICTIM'S PERCEPTION OF THE UNIT. OTHER IMPORTANT INFLUENCES WERE THE INVESTIGATOR'S DISPLAY OF CONCERN AND UNDERSTANDING, AND THE EXTENT OF THE VICTIM'S CONTACT WITH THE UNIT. WHETHER THE VICTIM RECEIVED RESTITUTION WAS NOT AS SIGNIFICANT AS SPECIFIC INTRINSIC COMPENSATION FACTORS IN DETERMINING THE VICTIM'S OPINION OF THE UNIT. VICTIMS' WILLINGNESS TO COOPERATE IN FUTURE EFFORTS TO CONTROL FRAUD WAS SIGNIFICANTLY RELATED TO NEITHER INTRINSIC NOR EXTRINSIC COMPENSATION FACTORS. HOWEVER, VICTIMS WHO REPORTED SOME FEAR OF REPRISAL AND WHO HAD MININAL OR MODERATE CONTACT WITH THE UNIT ALSO INDICATED LESS WILLINGNESS TO REPORT AND PROSECUTE FUTURE FRAUD CASES THAN DID OTHER VICTIMS. IMPLICATIONS OF THE FINDINGS ARE DISCUSSED, WITH PARTICULAR ATTENTION TO THE IMPORTANCE OF INTERPERSONAL AS WELL AS INVESTIGATIVE SKILLS ON THE PART OF CONSUMER FRAUD UNIT STAFF. SUPPORTING DATA AND A LIST OF REFERENCES ARE INCLUDED.

Sponsoring Agency: UNIVERSITY OF MARYLAND.

92. **E. J. KAHN JR. FRAUD—THE UNITED STATES POSTAL INSPECTION SERVICE AND SOME OF THE FOOLS AND KNAVES IT HAS KNOWN.** 335 p. 1973. **NCJ-12275**

DESCRIPTION OF THE OPERATION AND FUNCTIONING OF THE UNITED STATES POSTAL INSPECTORS, INCLUDING NARRATIVE REPORTS OF ITS MORE FAMOUS OR INTERESTING CASES. WRITTEN IN NON-TECHNICAL LANGUAGE, THE VOLUME REVIEWS THE INVESTIGATIONS OF SUCH NOTORIOUS OFFENDERS AS CLIFFORD IRVING, CHARLES PONZI AND JIMMY HOFFA, AS WELL AS NUMEROUS FRAUDS AND SWINDLES THAT WERE PERPETRATED THROUGH THE USE OF THE MAILS.

Availability: HARPER AND ROW, 10 EAST 53RD STREET, NEW YORK NY 10022.

93. **S. M. KRIESBERG. DECISIONMAKING MODELS AND THE CONTROL OF CORPORATE CRIME.** YALE UNIVERSITY LAW SCHOOL, NEW HAVEN CT 06520. *YALE LAW JOURNAL*, V 85, N 8 (JULY 1976), P 1091-1129. **NCJ-38014**

THIS NOTE ARGUES THAT WITH AN UNDERSTANDING OF THE DECISIONMAKING PROCESS UNDERLYING CORPORATE ACTION, LEGAL POLICYMAKERS CAN IMPOSE CRIMINAL PENALTIES ON THOSE MOST CAPABLE OF PREVENTING CORPORATE LAWBREAKING. AS A RESULT, THOSE WHO SHAPE THE CORPORATE DECISIONMAKING PROCESS WILL BE ENCOURAGED TO DO SO IN A WAY THAT ENHANCES THE LIKELIHOOD OF LAW-ABIDING CORPORATE CONDUCT. THE NOTE PROCEEDS BY ANALYZING DIFFERENT CHARACTERIZATIONS OF THE CORPORATE DECISIONMAKING PROCESS AND EXPLORING THEIR IMPLICATIONS FOR THE DEVELOPMENT OF APPROPRIATE LEGAL POLICY. THE ANALYSIS IS STRUCTURED BY THREE WIDELY USED MODELS OF DECISIONMAKING, EACH OF WHICH ISOLATES AND ILLUMINATES DISTINCTIVE FACETS OF THE DECISIONMAKING PROCESS. THE MODELS ARE EMPLOYED TO ELUCIDATE HOW CORPORATE LAWBREAKING TAKES PLACE AND HOW IT MAY BE CONTROLLED. THE RATIONAL ACTOR MODEL (MODEL ONE) ASSUMES THAT CORPORATE LAWBREAKING RESULTS FROM THE PURPOSEFUL, CONSISTENT ACTS OF THE CORPORATE ENTITY. IT SUGGESTS TO LEGAL POLICYMAKERS—LEGISLATORS, PROSECUTORS, AND JUDGES—THAT THE KEY TO CONTROLLING CORPORATE CRIME IS TO FOCUS ON THE RATIONAL CALCULUS THAT UNDERLIES CORPORATE VIOLATIONS, EFFECTING THE SUBSTITUTION OF DESIRABLE COURSES OF ACTION FOR UNDESIRABLE ONES. THE ORGANIZATIONAL PROCESS MODEL (MODEL TWO), VIEWS MOST CORPORATE ACTIONS AS CONSISTING OF SUBCORPORATE UNITS FOLLOWING PREEXISTING ORGANIZATIONAL ROUTINES (STANDARD OPERATING PROCEDURES). IT IMPLIES THAT CORPORATE VIOLATIONS OCCUR BECAUSE EXISTING ROUTINES MANDATE OR ALLOW ILLEGAL ACTIONS OR BECAUSE NO STANDARD OPERATING PROCEDURES EXIST TO PREVENT ILLEGAL ACTIONS. LEGAL POLICY BASED ON THIS MODEL WOULD IMPOSE ON INDIVIDUAL CORPORATE DECISIONMAKERS AN AFFIRMATIVE DUTY TO CORRECT OR ATTEMPT TO CORRECT ROUTINES KNOWN TO BE FLAWED AND TO FERRET OUT FLAWED PROCEDURES THEY HAVE THE AUTHORITY TO CORRECT. ACCORDING TO THE BUREAUCRATIC POLITICS MODEL'S (MODEL THREE) CONCEPTION OF THE DECISIONMAKING PROCESS, THE RESPONSIBILITY FOR CORPORATE CRIME MUST BE DEFINED IN TERMS OF THE POLITICAL RESULTANT OF THE ACTIONS OF INDIVIDUALS. THE LEGAL POLICY IMPLICATIONS OF THIS MODEL SUGGEST THAT CRIMINAL LIABILITY SHOULD APPLY TO THOSE INDIVIDUALS PARTICIPATING IN LAWBREAKING, AS WELL AS THOSE WHO ACQUIESCE IN OR, ADVOCATE AN UNLAWFUL DECISION. (AUTHOR ABSTRACT MODIFIED)

94. **J. KWITNY. FOUNTAIN PEN CONSPIRACY.** 364 p. 1973. **NCJ-12167**

THIS IS A CASE STUDY AND EXPOSE OF A LOOSELY CONNECTED SERIES OF LAND AND SECURITIES FRAUD SCHEMES. THE AUTHOR CLARIFIES THE INGENIOUS MAZE OF FAKE CONGLOMERATES, WORTHLESS TENNESSEE LAND DEEDS, ASSETLESS BANKS, PHONY MUTUAL FUNDS AND CORPORATE SHELLS WITH IMPRESSIVE BOARDS OF DIRECTORS AT THE HEART OF THE CON. HE REVEALS WHAT FLORIDA CITY IS NOW THE CHEATERS' CAPITAL, SHOWS HOW MEN AND INSTITUTIONS OF CONSIDERABLE STATURE CAN BE BILKED, AND MAKES CLEAR WHY IT IS SO DIFFICULT TO PUT THESE FOUNTAIN PEN CONSPIRATORS IN JAIL AND KEEP THEM THERE. (AUTHOR ABSTRACT)

Availability: ALFRED A KNOPF, 201 EAST 50TH STREET, NEW YORK NY 10022.

95. **P. LAUDERDALE, H. GRASMICK, and J. P. CLARK. CORPORATE ENVIRONMENTS, CORPORATE CRIME, AND DETERRENCE (FROM CRIME, LAW, AND SANCTIONS—THEORETICAL PERSPECTIVES, 1978, BY MARVIN KROHN AND RONALD AKERS SEE NCJ-52482).** SAGE PUBLICATIONS, INC, 275 SOUTH BEVERLY DRIVE, BEVERLY HILLS CA 90212. 22 p. 1978. **NCJ-52491**

THIS PAPER IS CONCERNED WITH THE EFFECTS OF EXTERNAL THREATS ON THE AMOUNT AND DEFINITION OF WHITE COLLAR OR CORPORATE CRIME. TWO APPROACHES CENTRAL TO THE STUDY OF WHITE COLLAR CRIME ARE: (1) IDENTIFYING TYPES OF ACTIVITIES THAT FALL UNDER THE DEFINITION OF WHITE COLLAR OR CORPORATE CRIME, EMPHASIZING HOW ACTORS ENGAGE IN ACTIVITIES AND THE USE OF LEGISLATION AND REGULATORY AGENCIES TO CONTROL OFFENSES (SOCIAL CONTROL APPROACH); AND (2) IDENTIFYING TYPES OF ACTIVITIES THAT FALL UNDER THE

DEFINITION OF WHITE COLLAR OR CORPORATE CRIME, FOCUSING ON WHY ACTORS ARE MOTIVATED TO ENGAGE IN ACTIVITIES AND DEVELOPING BROADER THEORIES OF CRIMINAL BEHAVIOR (SOCIAL BEHAVIORAL APPROACH). THE SOCIAL CONTROL APPROACH DEALS WITH WHEN OFFENSES ARE MORE LIKELY TO BE OBSERVED AND PROSECUTED. THE SOCIAL BEHAVIORAL APPROACH, ALTHOUGH CONCERNED WITH SIMILAR OFFENSES, PRIMARILY FOCUSES UPON WHY PEOPLE ENGAGE IN CERTAIN ACTIVITIES AND THE IMPACT OF WHITE COLLAR CRIME ON LARGER INSTITUTIONAL ARENAS. EXTERNAL THREATS TO CORPORATE SOCIAL SYSTEMS ARE ANALYTICALLY CATEGORIZED AS POWER REALIGNMENT, ACTIONS OF REGULATORY AGENCIES AND PROSECUTORIAL ACTORS, AMPLIFICATION OF RESOURCE INSTABILITY OR DEPLETION, AND NEW OR INCREASED COMPETITION. CHANGES IN EXTERNAL THREATS INFLUENCE THE AMOUNT OF CORPORATE CRIME VIA THREE IMPORTANT PROCESSES: (1) BY CHANGING THE DEFINITION OF WHAT IS CONSIDERED A CRIME THROUGH THE CREATION OR REMOVAL OF CRIMINAL LAW; (2) BY CHANGING THE RATE AT WHICH CRIMINAL ACTIONS ARE DETECTED THROUGH THE APPLICATION OF CRIMINAL LAW, AND (3) BY CHANGING THE ACTIONS OF ACTORS WITHIN THE CORPORATE SYSTEM. THREE HYPOTHESES ARE PROPOSED THAT RELATE TO EXTERNAL THREATS IN CORPORATE CRIME. FIRST, FLUCTUATION IN CORPORATE CRIME RATES IS A REFLECTION OF CHANGES IN CONSTRAINTS (THREATS) INDIGENOUS TO CORPORATE ENVIRONMENTS RATHER THAN CHANGES IN CORPORATE ACTIONS PER SE. SECOND, THERE ARE ONLY WEAK RELATIONSHIPS AMONG EXTERNAL THREATS THAT PRODUCE CHANGES IN CORPORATE CRIME RATES. THIRD, EXTERNAL THREATS NOT ONLY PRODUCE REINTERPRETATIONS OF ONGOING CORPORATE ACTIONS BUT ALSO STIMULATE REACTIONS BY CORPORATE ACTORS THAT INCREASE THEIR INVOLVEMENT IN CORPORATE CRIME. A SCHEMATIC DIAGRAM OF FLUCTUATIONS IN CORPORATE CRIME IN RESPONSE TO EXTERNAL THREATS ARE INCLUDED. REFERENCES ARE PROVIDED.

96. **A. A. LEFF. SWINDLING AND SELLING.** 202 p. 1976. **NCJ-39193**

THIS BOOK EXPLORES THE UNDERLYING ELEMENTS COMMON TO CLASSIC SWINDLES AND 'NORMAL' SELLING TECHNIQUES, REVEALING HOW VARIOUS TYPES OF CON GAMES ARE REFLECTED IN BOTH WHOLESALE AND RETAIL MODERN MASS MARKETING METHODS. TO GET AT THE ESSENCE OF ALL LICIT AND ILLICIT SALESMANSHIP, THE AUTHOR DESCRIBES SEVERAL TYPICAL SWINDLES AND SHOWS HOW THE SAME INTRINSIC FEATURES THAT MAKE THESE CON GAMES WORK ARE USED IN LEGITIMATE BUSINESS PLOYS SUCH AS THE CLEARANCE SALE AND THE ONE-DAY SPECIAL, AS WELL AS IN MASS MEDIA ADVERTISING. CONMEN AND SALESMAN, IT IS MAINTAINED, FACE IDENTICAL PROBLEMS OF SALES RESISTANCE—AND MUST MEET THEM IN SIMILAR WAYS. THE SWINDLER'S AND THE SELLER'S CENTRAL PROBLEM, CONVINCING THE 'MARK' THAT BOTH PARTIES—BUYER AND SELLER—ARE GETTING A BARGAIN IS ANALYZED. THE FINE LINE BETWEEN GULLING A CUSTOMER LEGITIMATELY AND OUTRIGHT SWINDLING IS ALSO EXPLAINED. (AUTHOR ABSTRACT)

Availability: FREE PRESS, 866 THIRD AVENUE, NEW YORK NY 10022.

97. **S. LEININGER, Ed. INTERNAL THEFT—INVESTIGATION AND CONTROL—AN ANTHOLOGY.** 1975. **NCJ-30799**

TWO DOZEN SPECIALISTS IN INTERNAL THEFT CONTROL ANALYZE HOW AND WHY INTERNAL THEFT OCCURS, AND WHAT CONTROL MEASURES ARE MOST EFFECTIVE IN COMBATTING IT. CONTRIBUTING AUTHORS INCLUDE EXPERTS IN SECURITY SERVICES. INVESTIGATION AND POLYGRAPH, CORPORATE LOSS PREVENTION, INSURANCE, CRIMINOLOGY, AND PSYCHOLOGY. INVESTIGATION AND THEFT PREVENTION ARE EXAMINED IN DETAIL. AREAS EMPHASIZED ARE UNDER COVER INVESTIGATION, INTERROGATION AND CONFESSIONS, POLYGRAPHING, CASH AND INVENTORY CONTROL, PRE-EMPLOYMENT SCREENING, AND ELECTRONIC SURVEILLANCE.

Availability: SECURITY WORLD PUBLISHING COMPANY, INC, 2639 SOUTH LA CIENEGA BOULEVARD, LOS ANGELES CA 90034.

98. **P. A. LEPERA. MEMOIRS OF A SCAM MAN—THE LIFE AND DEALS OF PATSY ANTHONY LEPERA.** 276 p. 1974. **NCJ-15339**

AN AUTOBIOGRAPHICAL ACCOUNT OF A SELF-PROCLAIMED MANIPULATOR OF STOLEN SECURITIES AND STOCK CERTIFICATES. FROM HIS BEGINNINGS IN QUICK-CASH MONEY LAUNDERING SCHEMES TO HIS DECISION TO COOPERATE WITH FEDERAL PROSECUTORS, THIS BOOK TELLS ALL ABOUT PATSY LEPERA.

Availability: FARRAR, STRAUS AND GIROUX, 19 UNION SQUARE, WEST, NEW YORK NY 10003.

99. **M. LIPMAN. STEALING—HOW AMERICA'S EMPLOYEES ARE STEALING THEIR COMPANIES BLIND.** 186 p. 1973. **NCJ-09658**

EXPOSE OF WIDESPREAD THEFT OF VAST AMOUNTS OF MERCHANDISE FROM AMERICAN COMPANIES BY THEIR EMPLOYEES. AT LEAST HALF THE PEOPLE WHO WORK IN INDUSTRY, WHETHER IN PLANTS OR IN OFFICES, ARE STEALING. THE STEALING RANGES FROM PETTY THEFT OF PENS AND PAPER TO GRAND LARCENY INVOLVING HUNDREDS OF THOUSANDS OF DOLLARS, AND IS COMMITTED BY ALL LEVELS OF EMPLOYEES. THE AUTHOR, A PRIVATE INVESTIGATOR, PRESENTS CASES WHICH HE AND HIS PRIVATE UNDERCOVER AGENTS HAVE SOLVED. HE DESCRIBES COMMON INDUSTRIAL THEFT PRACTICES AND SUGGESTS MEASURES TO IMPROVE SECURITY AND REDUCE OPPORTUNITIES FOR STEALING.

Availability: HARPER AND ROW, 10 EAST 53RD STREET, NEW YORK NY 10022.

100. **G. MALHOIT, Ed. REGULATION OF CHARITABLE TRUSTS AND SOLICITATIONS SUMMARY OF THE SPECIAL MEETING OF THE SUBCOMMITTEE ON CHARITABLE TRUSTS AND SOLICITATIONS, JANUARY 15-16, 1974.** NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609. 100 p. 1974. **NCJ-49565**

THE PAPERS AND PANEL DISCUSSIONS PRESENTED AT THE MEETING COVER THE STATUS OF REGULATING CHARITIES, ENFORCEMENT OF RELEVANT STATE AND FEDERAL STATUTES, AND PROTECTING CONTRIBUTORS AND CONSUMERS FROM FRAUD. AN OVERVIEW OF THE REGULATION OF CHARITABLE FOUNDATIONS AT THE STATE AND FEDERAL LEVEL, AN OVERVIEW OF PENNSYLVANIA'S REGULATION OF CHARITABLE SOLICITATIONS, AND AN EXAMINATION OF MASSACHUSETTS' REGULATIONS WERE CONSIDERED. OTHER TOPICS COVERED ARE THE UNIFORM MANAGEMENT OF INSTITUTIONAL FUNDS ACT, THE TAX REFORM ACT OF 1969, THE INCORPORATION OF FEDERAL LAW INTO STATE STATUTES, DEFINING GROUPS TO BE REGULATED UNDER CHARITABLE SOLICITATION STATUTES, AND METHODS OF INVESTIGATING AND ENFORCING SUCH STATUTES. OTHER PAPERS AND PANEL DISCUSSIONS COVER SETTING STANDARDS, UNCOVERING FRAUDS, SPECIFIC FRAUDS ENCOUNTERED BY VARIOUS STATES, AND DIRECTIONS ENFORCEMENT PROGRAMS ARE TAKING. REPRESENTATIVES FROM CHARITABLE FOUNDATIONS EXPRESS THEIR CONCERNS. FINALLY, FEDERAL-STATE RELATIONS, THE SPECIAL PROBLEMS INVOLVED IN MONITORING PRIVATE FOUNDATIONS, AND REMEDIES AVAILABLE TO ENFORCE CHARITABLE FOUNDATION LAWS ARE CONSIDERED. AN APPENDIX PRESENTS THE LIST OF STATE OFFICIALS PARTICIPATING. A

SUPPLEMENTARY VOLUME CONTAINS A PAPER EXAMINING THE IMPORTANCE TO REGULATORY BODIES OF FEDERAL TAX ACCOUNTING STANDARDS FOR CHARITABLE ORGANIZATIONS. FOR SELECTED PAPERS, SEE NCJ 49566-49570.

Availability: NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609.

101. **D. W. MAURER. AMERICAN CONFIDENCE MAN.** 315 p. 1974. **NCJ-14233**

PRESENTS THE METHODS, PERSONALITY, LANGUAGE, AND CHARACTERISTICS OF THE SUBCULTURE OF THE CON MAN. USING A DRAMA FORMAT WITH FULL CAST OF CHARACTERS, THE MAJOR CON GAMES ARE DESCRIBED. ACTING ABILITY, CHARM, INTELLIGENCE, SELF-CONFIDENCE, PERSISTENCE, AND SENSITIVITY TO THE MOTIVES AND PATTERNS OF HUMAN BEHAVIOR ARE DISCUSSED AS THE CENTRAL INGREDIENTS OF A CON MAN'S PERSONALITY. INTERACTION WITH PERSONS AND LIFESTYLES THAT SURVIVE AND THRIVE ON CHEATING IS CONSIDERED THE SOCIAL SPAWNING GROUND OF CON MEN. THE FIX IS DISCUSSED AS THE PRINCIPAL PROTECTION THAT INSULATES THE CON MAN FROM ARREST AND CONVICTION. AN EXTENSIVE GLOSSARY OF WORDS USED IN THE CON SUBCULTURE IS INCLUDED.

Availability: CHARLES C THOMAS, 301-327 EAST LAWRENCE AVENUE, SPRINGFIELD IL 62717.

102. **C. H. MCCAGHY and R. S. DENISOFF. RECORD PIRACY (FROM CRIME IN SOCIETY, 1978, BY LEONARD D SAVITZ AND NORMAN JOHNSTON—SEE NCJ-53552).** JOHN WILEY AND SONS, 605 THIRD AVENUE, NEW YORK NY 10016. 18 p. 1978. **NCJ-53565**

THE LEGISLATIVE HISTORY OF RECORD INDUSTRY EFFORTS TO PROTECT ITSELF AGAINST COPYRIGHT INTRUSIONS (RECORD PIRACY) IS DISCUSSED, ALONG WITH SEVERAL LANDMARK CASES INVOLVING SUCH VIOLATIONS. ALTHOUGH RECORD MANUFACTURERS HAD ARGUED OVER THE YEARS FOR COPYRIGHT EXTENSIONS TO PROTECT THEM FROM UNAUTHORIZED REPRODUCERS OF RECORDINGS AND EVEN FROM BROADCASTERS UP THROUGH 1950, RECORD PIRACY WAS COMPARATIVELY LIMITED IN BOTH SALES VOLUME AND SCOPE. THE IMMEDIATE POSTWAR PIRATES APPEALED ALMOST EXCLUSIVELY TO COLLECTORS INTERESTED IN JAZZ, BLUES, AND SWING AND THEIR PRODUCTS WERE ESSENTIALLY OBSCURE AND OTHERWISE UNAVAILABLE PREWAR RECORDINGS. IN 1951, THE RECORD INDUSTRY TOOK NOTE OF A NEW PHENOMENON IN PIRACY: CURRENT HITS WERE BEING ISSUED UNDER COUNTERFEIT LABELS WITH ONE PIRATE PRESSING 50,000 RECORDS PER WEEK IN 4 PLANTS. ONCE A RECORD BECAME A HIT, ENTREPRENEURIAL PIRATES HAD ONLY TO PAY FOR THE DUPLICATION OF THE SOUND REPRODUCTION, AND BY DEALING ONLY IN PROVEN SUCCESSES, THEY WERE ASSURED A PROFIT. BY THE 1960'S, THESE PIRATES HAD ESTABLISHED THEMSELVES AS PART OF THE RECORD SCENE IN AMERICA. WHILE PIRACY HAD PREVIOUSLY BEEN RESTRICTED TO SINGLES, NOW ALBUMS BEGAN TO APPEAR; PIRATES HAD REACHED A NEW STAGE OF ORGANIZATION, AS THEY WERE NOT ONLY PRESSING RECORDS BUT ALSO MANUFACTURING ALBUM COVERS. WHILE CONGRESS AND THE RECORDING INDUSTRY WERE, OVER THE YEARS, VARIOUSLY AT ODDS OR IN AGREEMENT REGARDING LEGISLATION EFFECTIVE ENOUGH TO DEAL WITH THE PROBLEMS OF PIRACY, IT WAS NOT UNTIL THE 1970'S THAT THE INDUSTRY WAS CAPABLE OF WIELDING CONSIDERABLE LEGISLATIVE INFLUENCE. BY 1971, THE RECORD INDUSTRY SURPASSED $1.25 BILLION, AND BESET BY SOARING LEVELS OF PIRACY AND WITH A FORMIDABLE COALITION CONSISTING OF VARIOUS TRADE ASSOCIATIONS--THE AMERICAN FEDERATION OF MUSICIANS, THE NATIONAL ASSOCIATION OF RECORD MERCHANDISERS, AND OTHERS--PROPONENTS OF COPYRIGHT REVISION PREVAILED, PAVING THE WAY FOR FUTURE, SUCCESSFUL ATTACKS ON RECORD PIRATES. REFERENCES ARE INCLUDED.

103. **J. R. MCCALL. CONSUMER PROTECTION—CASES, NOTES AND MATERIALS.** WEST PUBLISHING COMPANY, 50 WEST KELLOGG BOULEVARD, ST PAUL MN 55102. 632 p. 1977. **NCJ-48326**

THIS CASEBOOK IS DESIGNED FOR LAW STUDENTS, ATTORNEYS, AND OTHERS WHO HAVE THE NEED FOR A TEXT WHICH IS INTENDED TO FOSTER SENSITIVITY TO CONSUMERS' RIGHTS AND PROTECTIONS. A STUDY OF FEDERAL AND STATE STATUTORY MATERIALS IS CENTRAL TO THE TEXT. EXPOSURE TO INTERPRETATION AND APPLICATION OF STATUTES IS ALSO PROVIDED. THE HIGHLIGHTED CONCEPTS ARE: THE SUBSTANTIVE LAW OF CONSUMER TRANSACTIONS AS DECIDED BY COURTS, LEGISLATURES, AND ADMINISTRATIVE AGENCIES; AND THE AVAILABLE PROCEDURES FOR THE ENFORCEMENT OF THESE LAWS. THE PROCEDURES DISCUSSED INCLUDE INDIVIDUAL AND CLASS ACTIONS, ADMINISTRATIVE CEASE AND DESIST PROCEEDINGS, AND PROSECUTIONS BY FEDERAL, STATE, AND LOCAL AUTHORITIES. THE CHAPTERS COVER INDIVIDUAL CONSUMER REMEDIES, GOVERNMENT INTERVENTION IN THE MARKETING PROCESS, STATUTORY REGULATION OF CONSUMER CREDIT, AND CONSUMER CLASS ACTION LAW. THIS REFERENCE BOOK IS INTENDED TO PROVIDE A BASIS FOR EVENTUAL FIELD SPECIALIZATION AS WELL AS A LONG-TERM AWARENESS OF THE REQUIREMENTS OF THIS BODY OF LAW. THE TEXT CONTAINS TABLES OF CASES; ARTICLES AND TEXTS; AND STATUTES, REGULATIONS, AND RULES. AN INDEX IS ALSO INCLUDED. FOR COMPANION STATUTORY SUPPLEMENT AND TEACHER'S MANUAL, SEE NCJ 48328 AND 48327 RESPECTIVELY. (AUTHOR ABSTRACT MODIFIED)

Supplemental Notes: AMERICAN CASEBOOK SERIES.

Availability: WEST PUBLISHING COMPANY, 50 WEST KELLOGG BOULEVARD, ST PAUL MN 55102.

104. **M. A. MENDELSON. TENDER LOVING GREED—HOW THE INCREDIBLY LUCRATIVE NURSING HOME 'INDUSTRY' IS EXPLOITING AMERICA'S OLD PEOPLE AND DEFRAUDING US ALL.** 268 p. 1974. **NCJ-19173**

EXAMINES NURSING HOME FRAUD WHICH RANGES FROM STEALING MONEY FROM PATIENTS TO CORRUPTION OF SOCIAL WORKERS WHO COLLECT KICKBACKS FOR COMMITTING PATIENTS WHO OFTEN HAVE NO NEED FOR NURSING CARE. THE AUTHOR UNCOVERS INCIDENTS WHERE GOVERNMENT AID, TOGETHER WITH LACK OF GOVERNMENT CONTROL, HAS MADE THE NURSING INDUSTRY INTO A GIANT PROFIT MACHINE WHICH HAS ATTRACTED THOUSANDS OF SMALL-TIME HUSTLERS AS WELL AS BIG-MONEY MANIPULATORS. MUCH OF THE DATA PRESENTED IS FROM A STUDY OF NURSING HOMES IN CLEVELAND, OHIO. HOWEVER, THE AUTHOR ALSO USES DATA FROM INCIDENTS OCCURRING IN OTHER STATES.

Availability: ALFRED A KNOPF, 201 EAST 50TH STREET, NEW YORK NY 10022.

105. **D. MOFFITT, Ed. SWINDLED—CLASSIC BUSINESS FRAUDS OF THE SEVENTIES.** 189 p. 1976. **NCJ-41380**

THE VOLUME DESCRIBES SIX CLASSIC BUSINESS FRAUDS OF THE 1970'S AND FOCUSES ON THE CAUSES, METHODS, AND EFFECTS OF FRAUD. IT EXAMINES THE VARIOUS MOTIVES BEHIND FRAUD AND RAISES PERTINENT QUESTIONS ABOUT THIS CRIME IN THE UNITED STATES. SOME OF THE QUESTIONS DISCUSSED ARE HOW THE COURTS PUNISH A SWINDLER, WHAT HAPPENS TO RINGLEADERS OF FRAUD SCHEMES AND THEIR ACCOMPLICES, WHAT CAN BE DONE TO PREVENT MASS SWINDLES, AND WHO FINALLY PAYS FOR LARGE-SCALE FRAUD. DETAILED ANALYSES ARE PRESENTED OF THE FRAUD SCHEMES OF JESSE D. QUISENBERRY; STANLEY GOLDBLUM, FOUNDER AND CHIEF EXECU-

TIVE OF EQUITY FUNDING CORPORATION; ROBERT TRIPPET, A WEALTHY LAWYER AND ORGANIZER OF THE HOME-STAKE PRODUCTION COMPANY; ROBERT VESCO, OF INTERNATIONAL NOTORIETY; MOE STEINMAN, A NEW YORK MEAT BROKER; AND JACK DICK, A NEW YORK PROMOTER WHO ORGANIZED THE BLACK WATCH FARMS TAX SHELTER. AS EACH OF THESE FRAUD SCHEMES DEMONSTRATE, INVESTORS SHOULD BE WARY OF BUSINESS VENTURES THAT PROMISE LARGE PROFITS IN A SHORT TIME. CORPORATIONS WITH IMPRESSIVE-LOOKING NAMES ARE NO MORE TRUSTWORTHY OR SECURE FROM MANIPULATION THAN THE ORDINARY PEOPLE WHO SIGN AND COUNTERSIGN THE CHECKS. ON THE STRENGTH OF A CERTIFIED FINANCIAL STATEMENT, A DUBIOUS ENTERPRISE MAY RAISE MILLIONS OF DOLLARS. THE INNOCENT VICTIM OF LARGE-SCALE FRAUD IS THE GENERAL PUBLIC WHO MUST PAY HIGHER TAXES. NO REFERENCES ARE PROVIDED.

Availability: DOW JONES BOOKS, P O BOX 300, PRINCETON NJ 08540.

106. **NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609. PLACEMENT OF STATE CONSUMER PROTECTION PROGRAMS CONSUMER PROTECTION SPECIAL REPORT.** 20 p. 1976.
NCJ-35351

SURVEY DATA ON THE PLACEMENT OF ADMINISTRATIVE AND ENFORCEMENT RESPONSIBILITY UNDER STATE UNFAIR OR DECEPTIVE TRADE PRACTICE STATUTES. SURVEY RESULTS COVER THE PLACEMENT OF CONSUMER PROTECTION RESPONSIBILITIES (WHICH IN MOST STATES IS WITHIN THE OFFICE OF THE ATTORNEY GENERAL), THE DEVELOPMENT OF STATE CONSUMER PROTECTION ACTIVITIES, AN EVALUATION OF ALTERNATIVE PLACEMENT WITHIN OTHER DEPARTMENTS OR AGENCIES, AUTHORITY TO LITIGATE, AND THE EXTENT OF ACTIVITY OF STATE CONSUMER PROTECTION PROGRAMS. TABULAR DATA IS PRESENTED BY STATE ON STAFF POSITIONS AUTHORIZED FOR CONSUMER PROTECTION ACTIVITIES, CONSUMER RESTITUTION AND ASSESSMENT OF FINES AND PENALTIES, UNFAIR OR DECEPTIVE TRADE PRACTICE STATUTES, AND THE LOCATION OF STATE CONSUMER PROTECTION PROGRAMS.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

107. **NATIONAL COUNCIL ON CRIME AND DELINQUENCY, CONTINENTAL PLAZA, 411 HACKENSACK AVENUE, HACKENSACK NJ 07601. STEALING FROM THE COMPANY—A FACT BOOKLET ON WORKPLACE CRIME.** 11 p. 1976.
NCJ-52097

DATA ON THE SCOPE OF WORKPLACE CRIME, WITH EMPHASIS ON ITS COST TO BUSINESSES AND CITIZENS, ARE PROVIDED; AND METHODS FOR REDUCING ITS OCCURRENCE ARE PROPOSED. THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) IS WORKING TO BRING THE PROBLEMS OF WORKPLACE CRIME TO THE ATTENTION OF CRIMINAL JUSTICE OFFICIALS, LEGISLATORS, AND CITIZENS. IT DEFINES WORKPLACE CRIME AS AN INTENTIONAL ACT BY AN EMPLOYEE THAT RESULTS IN LOSS OF VALUE OR IN DAMAGE TO THE PROPERTY OF A PUBLIC OR PRIVATE SECTOR EMPLOYER; AN ACT THAT BENEFITS THE ACTOR FINANCIALLY OR OTHERWISE. WORKPLACE CRIME CAN INCLUDE ANYTHING FROM TAKING HOME A TOOL TO DISHONEST COMPUTER PROGRAMMING AND BRIBES. WORKPLACE CRIME IS PREVALENT AT ALL LEVELS OF BUSINESS, AND MANY EMPLOYEES REGARD IT AS COMMONPLACE AND ACCEPTABLE BEHAVIOR. EFFORTS HAVE BEEN MADE TO DEVELOP ESTIMATES OF THE FINANCIAL COSTS TO BUSINESSES, INDUSTRIES, CONSUMERS, INVESTORS, EMPLOYEES, AND THE OVERALL COMMUNITY. THE COST OF THIS TYPE OF CRIME HAS BEEN ESTIMATED AT $40 BILLION A YEAR; THE CONSUMER ASSUMES THE BURDEN OF PAYMENT BY HAVING TO BUY MERCHANDISE AT A HIGH PRICE. GRAVER COSTS NOT REFLECTED IN HIGHER PRICES MAY BE ASSUMED IF THE CORRUPTION OF GOVERNMENT INSPECTORS IS CONSIDERED IN TERMS OF ITS EFFECTS ON THE WHOLESOMENESS OF FOOD, THE QUALITY OF MEDICINES, AND THE SAFETY OF HOMES. NATIONAL EFFORTS TO REDUCE OR CONTROL THIS PROBLEM HAVE BEEN INSUFFICIENT. THE TASK OF EDUCATING THE PUBLIC TO THE PERSONAL COST OF WORKPLACE CRIME IS THE RESPONSIBILITY OF CONSUMER GROUPS, CHURCHES, LEGISLATORS, CRIMINAL JUSTICE OFFICIALS, AND BUSINESS AND LABOR LEADERS. REGULATORY AGENCIES MUST DEAL WITH THE PROBLEM BY DEVELOPING CODES AND PROMOTING LEGISLATION. TRADE ASSOCIATIONS SHOULD COLLECT RELIABLE DATA ON THEIR INDUSTRIES BY ADOPTING OPEN POLICIES CONCERNING THE EFFECTS OF WORKPLACE CRIME ON THEIR COMPANIES. TREATMENT OF THE OFFENDER AND PREVENTION OF THE CRIME ARE DIFFICULT BECAUSE UNIVERSALLY ACCEPTED INDUSTRY GUIDES ARE LACKING. METHODS HAVE BEEN PROPOSED THAT WORK TO REDUCE THE FRUSTRATION AND ANGER FELT BY EMPLOYEES IN THE WORK ENVIRONMENT WITH HOPES OF REDUCING THE IMPULSE TO STEAL FROM THE COMPANY AS A FORM OF COMPENSATION. A GENERAL SHIFT IN THE CRIMINAL JUSTICE SYSTEM THAT WILL EMPHASIZE THE SIGNIFICANCE OF WORKPLACE CRIME AND CONCENTRATE EFFORTS ON ALLEVIATING THE PROBLEM IS RECOMMENDED. TABULAR DATA ARE PROVIDED.

108. **NATIONAL COUNCIL ON CRIME AND DELINQUENCY, CONTINENTAL PLAZA, 411 HACKENSACK AVENUE, HACKENSACK NJ 07601. WORKPLACE CRIME—PROCEEDINGS AND RESOURCES OF INTERNAL BUSINESS THEFT CONFERENCE, CHICAGO, OCTOBER 19-22, 1975, V 1 AND 2.** 234 p. 1976.
NCJ-37861

EDITED VERBATIM TRANSCRIPT OF THIS CONFERENCE ON THE NATURE, EXTENT, PROSECUTION, SANCTION, AND CONTROL OF AND ATTITUDES TOWARD EMPLOYEE THEFT. PROBLEMS OF RESEARCH IN THIS AREA ARE ALSO CONSIDERED. COPIES OF THREE OF THE PAPERS PRESENTED AT THE CONFERENCE ARE REPRODUCED AND A SIX-PAGE BIBLIOGRAPHY ON WORKPLACE CRIME IS PROVIDED.

Availability: NATIONAL COUNCIL ON CRIME AND DELINQUENCY, CONTINENTAL PLAZA, 411 HACKENSACK AVENUE, HACKENSACK NJ 07601; NCJRS MICROFICHE PROGRAM.

109. **S. D. NELSON and C. R. WOLFE JR. TIGHTENING THE WHITE COLLAR—THE CRIMINALIZATION OF TRADE SECRET THEFT.** AMERICAN BAR ASSOCIATION, 1155 EAST 60TH STREET, CHICAGO IL 60637. *AMERICAN CRIMINAL LAW REVIEW,* V 14, N 4 (SPRING 1977), P 797-821.
NCJ-45015

TRADITIONAL CIVIL REMEDIES PERTAINING TO INDUSTRIAL ESPIONAGE ARE EXAMINED CRITICALLY, AND ISSUES IN THE DEVELOPMENT OF CRIMINAL SANCTIONS FOR THEFT OF TRADE SECRETS ARE CONSIDERED. GROWING CONCERN IN THE BUSINESS COMMUNITY OVER INDUSTRIAL ESPIONAGE IS REFLECTED IN INCREASING EXPENDITURES FOR SECURITY SERVICES AND EQUIPMENT. HOWEVER, THE DEVELOPMENT OF CORPORATE DEFENSES AGAINST TRADE SECRET THEFT HAS NOT BEEN PARALLELED BY LEGAL ADVANCES. CORPORATIONS REMAIN LARGELY DEPENDENT ON A 'PATCHWORK' OF CIVIL REMEDIES THAT REFLECT COMMERCIAL CRIMES OF THE PAST. THE LAW HAS YET TO CATCH UP WITH THE ADVENT OF THE COMPUTER AS 'HENCHMAN' IN TECHNOLOGICAL RAIDS ON TECHNOLOGY. THE MOST SIGNIFICANT LEGAL OBSTACLE TO EFFECTIVE PROTECTION OF TRADE SECRETS IS THE DISTINCTION BETWEEN TANGIBLE AND INTANGIBLE PROPERTY. THIS DISTINCTION MUST BE ABOLISHED IN TRADE SECRET LAW IN ORDER TO ELIMINATE KEY DEFENSES AVAILABLE TO LEGALLY ADROIT INDUSTRIAL SPIES. ANOTHER PROBLEM HAS BEEN THE FAILURE TO INCLUDE PROCEDURAL SAFEGUARDS AGAINST TRADE SECRET DISCLOSURE DURING CRIMINAL PROSECUTION. THE

USE OF IN CAMERA OR EX PARTE HEARINGS, TAILORED TO MINIMIZE INFRINGEMENT OF THE DEFENDANT'S RIGHT TO A PUBLIC TRIAL, IS NECESSARY TO AVOID THE SITUATION IN WHICH A THEFT CONVICTION IS OBTAINED AT THE EXPENSE OF PUBLIC DISCLOSURE OF BUSINESS SECRETS. IT IS CONCLUDED THAT THE SOLUTION TO PROBLEMS OF TRADE SECRET PROTECTION LIES IN PRECISELY DRAFTED LEGISLATION RATHER THAN WITH THE JUDICIARY.

110. **G. R. NEWMAN, J. C. JESTER, and D. J. ARTICOLO. STRUCTURAL ANALYSIS OF FRAUD (FROM NEW AND THE OLD CRIMINOLOGY, 1978, BY EDITH ELISABETH FLYNN AND JOHN P CONRAD—SEE NCJ-47562).** 23 p. 1978. **NCJ-47571**

THE BASIC COMPONENTS OF FRAUD OCCURRING IN AN ECONOMIC EXCHANGE ARE ANALYZED AND RELATED TO FRAUDULENT STRATEGIES IN ORDER TO ESTABLISH A STRUCTURAL FRAMEWORK FOR STUDYING FRAUD. GENERALLY, THE OBJECT OF EXCHANGE IN FRAUD CAN BE EITHER CLEARLY EVIDENT OR NEBULOUS AND DIFFICULT TO IDENTIFY. THE FIRST TYPE OF FRAUD INCLUDES COMMODITY OR FUTURES FRAUD, SECURITIES FRAUD, AND FRAUDS INVOLVING NEGOTIABLE PAPERS; THE SECOND FRAUD TYPE INCLUDES TAX EVASION, EMBEZZLEMENT, AND WELFARE CHEATING. STRUCTURAL COMPONENTS OF THE EXCHANGE PROCESS WHICH ARE CONDUCIVE TO FRAUD INCLUDE THE IMBALANCE OF INFORMATION BETWEEN THE VICTIM AND THE OFFENDER, THE COMPETITIVE NATURE OF MODERN EXCHANGE SYSTEMS, THE COMPLEXITY AND SIZE OF MANY INSTITUTIONS, THE INDIRECT QUALITY OF BUSINESS RELATIONS WITHIN THE MODERN INDUSTRIAL SYSTEM, AND THE BUREAUCRATIC ORGANIZATION OF BUSINESS ENTERPRISES. SITUATIONAL FACTORS WHICH MAY ASSIST OFFENDERS IN PERPETRATING FRAUD ARE THE HIERARCHICAL NATURE OF BUSINESS ORGANIZATION, THE OFFENDERS' ACCESS TO COMMUNICATIONS MEDIA FACILITATING CONSTRUCTION OF A FALSE INFORMATIONAL SETTING, THE OFFENDERS' ACCESS TO TECHNOLOGY (ESPECIALLY TO COMPUTERS), AND THE SPHERE OF ECONOMIC ACTIVITY INVOLVING A MASS MARKET THAT IS EASILY VICTIMIZED. THE FORCE OF OFFENDERS' PERSONALITY, PROFESSIONAL STATUS, ORGANIZATIONAL AND MANAGERIAL SKILLS, AND TECHNOLOGICAL EXPERTISE INCREASE THEIR SUCCESS POTENTIAL IN A FRAUD SCHEME AS WELL AS THEIR ACCESS TO INFORMATION CONCERNING THE TRUE BASIS OF THE EXCHANGE. EXTERNAL CONTROLS CAN BE AN IMPORTANT DETERMINANT IN THE DIRECTION OF FRAUD, ESPECIALLY REGARDING MINOR FRAUDULENT ACTIVITY. FURTHER RESEARCH ON BASIC FRAUD CONCEPTS IS RECOMMENDED, PARTICULARLY THE EXTENT TO WHICH THE STRUCTURE OF ECONOMIC AND MARKETING RELATIONS CONTRIBUTES TO FRAUDULENT ACTIVITY AS COMPARED TO INDIVIDUAL BEHAVIOR. REFERENCES ARE PROVIDED.

111. **J. PEREZ. CORPORATE CRIMINALITY—A STUDY OF THE ONE THOUSAND LARGEST INDUSTRIAL CORPORATIONS IN THE USA.** 271 p. 1978. **NCJ-55442**

USING SECONDARY DATA SOURCES, 1,000 OF THE LARGEST INDUSTRIAL CORPORATIONS ARE EXAMINED TO STUDY THE RELATIONSHIP OF THE ORGANIZATIONAL NATURE OF CORPORATIONS TO CRIME, AND TO DERIVE MODELS TO TEST THE DATA. THIS STUDY'S GENERAL HYPOTHESIS WAS THAT THE ECONOMIC SYSTEM IS DIRECTLY RELATED TO CORPORATE CRIME. A MODEL WAS DERIVED FROM THE DATA TO TEST FUNCTIONAL RELATIONSHIPS AMONG THE ECONOMIC SYSTEM, INTERCORPORATE TIES, AND THE LEGAL SYSTEM. THE PROPOSITIONS UNDERLYING THE MODEL WERE AS FOLLOWS: (1) FIRM SIZE AND OTHER ORGANIZATIONAL FACTORS ARE DIRECTLY RELATED TO CORPORATE CRIME, AND (2) FIRM SIZE AND OTHER ORGANIZATIONAL FACTORS ARE INDIRECTLY RELATED TO THE PROBABILITY OF ESCAPING PUNISHMENT. PRIMARY DEPENDENT VARIABLES WERE CRIME STATUS, OFFENSE TYPE, RECIDIVISM, AND PUNISHMENT. AN APPENDED LISTING OF THE MANY DATA SOURCES INCLUDED TRADE JOURNALS, DIRECTORIES, CENSUS SURVEYS, AND STATISTICAL REPORTS ON MERGERS AND ACQUISITIONS. IT WAS FOUND THAT CRIME STATUS WAS SENSITIVE TO CHANGES WITHIN THE ECONOMIC SYSTEM, INCLUDING JOINT VENTURES, INTERLOCKING CORPORATE AFFILIATIONS, AND LONGEVITY. THE ECONOMIC FACTOR ACCOUNTED FOR MOST OF THE EXPLAINED VARIANCE IN CORPORATE CRIME AND WAS ABLE TO EFFECTIVELY DISCRIMINATE AMONG THE VARIOUS OFFENSE TYPES. EXAMINING RECIDIVISM, IT WAS FOUND THAT THE ECONOMIC FACTOR WAS THE BEST SINGLE PREDICTOR OF A CORPORATION'S ILLEGAL BEHAVIOR. THE MOST COMMON SANCTION AGAINST AN INDIVIDUAL'S CRIMINALITY WAS DISMISSAL, AND IT WAS OBSERVED THAT DISMISSAL WAS RELATED TO RECIDIVISM, THE NUMBER OF FIRMS, AND THE ECONOMIC FACTOR. FINALLY, THE MODEL HYPOTHESES EXAMINED WERE SUPPORTED BY THE DATA. TABLES, A BIBLIOGRAPHY, AND AN INDEX ARE PROVIDED.

Supplemental Notes: UNIVERSITY OF PENNSYLVANIA—DOCTORAL DISSERTATION.

Availability: UNIVERSITY MICROFILMS, 300 NORTH ZEEB ROAD, ANN ARBOR MI 48106. Stock Order No. 7816387.

112. **R. PITOFSKY. BEYOND NADER—CONSUMER PROTECTION AND THE REGULATION OF ADVERTISING.** HARVARD LAW REVIEW ASSOCIATION, GANNETT HOUSE, CAMBRIDGE MA 02138. 42 p. 1977. **NCJ-50917**

THE ECONOMIC AND LEGAL JUSTIFICATIONS FOR ADVERTISING REGULATION, THE NEED FOR A CONSUMER-ORIENTED REGULATION PROGRAM, AND RECENT FEDERAL TRADE COMMISSION TRENDS IN REGULATION ARE ASSESSED. THE ECONOMIC JUSTIFICATION FOR ADVERTISING REGULATION IS BASED ON THE FAILURE OF THE THEORETICAL CONCEPT OF THE FREE MARKET SYSTEM. MARKET INCENTIVES TO CHALLENGE FALSE ADVERTISING ARE LACKING, AND THE MARKETPLACE IS SO DIVERSE THAT CONSUMERS MAY NOT SEE WHATEVER CHALLENGING ADVERTISING THE COMPETITION MOUNTS. THE ROLE OF INDUSTRY SELF-REGULATION IS EXAMINED ALSO AND FOUND TO BE DEFICIENT. THIS MARKET FAILURE AND THE INEFFECTIVENESS OF POSSIBLE ALTERNATIVE SYSTEMS TO ENSURE TRUTHFUL AND RELEVANT ADVERTISING IS AN INDICATION THAT SOME FORM OF GOVERNMENT REGULATION IS WARRANTED. IN RECENT DECISIONS, THE U.S. SUPREME COURT EXPANDED THE AREA OF PROTECTED COMMERCIAL SPEECH, THEREBY ADDING A CONSTITUTIONAL DIMENSION TO GOVERNMENT REGULATION OF THE ADVERTISING PROCESS. GOVERNMENT REGULATION POLICY, HOWEVER, MUST ADHERE STRICTLY TO PREDETERMINED GUIDELINES AND MUST HAVE A RELEVANT CONSUMER ORIENTATION. CONSUMER PRESSURES ON THE FEDERAL TRADE COMMISSION (FTC) AND FTC RESPONSE TO THESE PRESSURES ARE EXAMINED. TRADITIONALLY THE FTC HAS REGULATED ADVERTISING ON THE BASIS OF 'DECEPTION' OR 'UNFAIR TRADE PRACTICE.' THE MEANINGS OF THESE TERMS ARE EXAMINED, AND CHANGES IN MEANING OVER THE YEARS AND SHIFTS IN ORIENTATION FROM COMPETITOR-PROTECTION TO CONSUMER-PROTECTION ARE TRACED. THIS SHIFT IN ORIENTATION HAS INCREASED EMPHASIS ON THE FAILURE TO SUBSTANTIATE CLAIMS AND DECEPTION WHILE DECREASING EMPHASIS ON COMPARATIVE PRICE ADVERTISING AND USE OF MOCK-UPS. THE NEW EMPHASIS IS ON CORRECTIVE ADVERTISING. THE CONSTITUTIONALITY OF CORRECTIVE ADVERTISING REQUIREMENTS AND THE USE OF THIS DEVICE ARE DISCUSSED. THE ARTICLE CONTAINS NUMEROUS FOOTNOTES.

Supplemental Notes: REPRINTED FROM HARVARD LAW REVIEW, V 90, N 4 (FEBRUARY 1977) P 661-701.

113. **C. S. RHYNE. CONSUMER PROTECTION LAW THE MUNICIPALITY.** NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICERS. 139 p. 1975. **NCJ-42951**
INTENDED AS AN AID FOR MUNICIPAL ATTORNEYS, THIS REPORT CONTAINS AN OVERVIEW AND DISCUSSION OF THE FEDERAL STATE, MUNICIPAL, AND LOCAL LAWS AND PROGRAMS RELATING TO CONSUMER PROTECTION. CURRENTLY, THE FEDERAL GOVERNMENT ADMINISTERS HUNDREDS OF PROGRAMS (THROUGH 39 DEPARTMENTS AND AGENCIES) FOR THE PROTECTION OF THE CONSUMER. DESCRIPTIONS OF A NUMBER OF THESE PROGRAMS AND A GENERAL DISCUSSION OF FEDERAL CONSUMER PROTECTION LAW ARE PRESENTED IN THE FIRST SECTION OF THIS REPORT. STATE CONSUMER PROTECTION ACTIVITIES ARE THEN REVIEWED IN ORDER TO GIVE MUNICIPAL ATTORNEYS A BROAD UNDERSTANDING OF THE TYPES OF LAW AND ACTIVITIES AVAILABLE AT THE STATE LEVEL. THE LIMITATIONS ON MUNICIPAL POWER TO PROTECT THE CONSUMER ARE OUTLINED, AS ARE MUNICIPAL POWERS TO ENACT GENERAL CONSUMER PROTECTION ORDINANCES. SOURCES OF POWER, BOTH EXPRESSED AND IMPLIED, FROM WHICH THE MUNICIPALITY DRAWS ITS AUTHORITY TO ENACT CONSUMER PROTECTION ORDINANCES ARE DISCUSSED. IN ADDITION, SPECIFIC CONSUMER PROTECTION PROBLEMS ARE ADDRESSED--DECEPTIVE ADVERTISING, OPPRESSIVE DEBT COLLECTION, POOR QUALITY FOOD AND DRUGS, ETC. THE REPORT EXAMINES THE EXTENT TO WHICH MUNICIPALITIES MAY REGULATE IN A NUMBER OF THESE SPECIFIC AREAS IN VIEW OF THE POLICE POWER, FEDERAL CONSTITUTIONAL PROBLEMS, AND FEDERAL AND STATE PREEMPTION PROBLEMS. THE LISTING OF PROBLEM AREA IS NOT COMPLETE, BUT IT IS PRESENTED TO SUBSTANTIATE THE RATIONALE FOR PASSING ORDINANCES TO PROTECT CONSUMERS. FINALLY, EXISTING CONSUMER PROTECTION PROGRAMS IN A NUMBER OF CITIES NATIONWIDE ARE DESCRIBED BRIEFLY, AND REGULATIONS COVERING SUCH AREAS AS ADVERTISING, PACKAGING, AND LABELING ARE REVIEWED. THE APPENDIXES INCLUDE A MODEL CONSUMER PROTECTION ORDINANCE, AN INDEX TO STATE CONSUMER PROTECTION AGENCIES, AND A LIST OF STATE CONSUMER PROTECTION OFFICES.

114. **S. ROACH and B. DELOATCH. CRIME IN SERVICE INDUSTRIES.** US DEPARTMENT OF COMMERCE DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, WASHINGTON DC 20235. 128 p. 1977. **NCJ-43506**
EMPLOYMENT PRACTICES, INTERNAL SECURITY, AND EXTERNAL SECURITY MEASURES TO CUT THE $9.2 BILLION ANNUAL CRIME LOSS IN SERVICE INDUSTRIES ARE DISCUSSED; EMPLOYEE THEFT IS THE GREATEST SOURCE OF LOSS. LACK OF STATISTICAL DATA MASKS THE TRUE EXTENT OF CRIME IN SERVICE INDUSTRIES; FIGURES COLLECTED BY THE BUREAU OF DOMESTIC COMMERCE OF THE U.S. DEPARTMENT OF COMMERCE SUGGEST LOSSES ARE ALMOST $10 BILLION ANNUALLY. SINCE EMPLOYEE THEFT IS THE BIGGEST CONTRIBUTOR, SECURITY SHOULD BEGIN WITH CAREFUL HIRING AND TRAINING OF EMPLOYEES, EMPLOYEE MONITORING, AND INVENTORY CONTROL. INVENTORIES MUST BE ESPECIALLY GUARDED IN FOOD AND LODGING SERVICES AND HOSPITALS. THE GREATEST REPORTED LOSS OCCURS IN GROUND CARGO TRANSPORTATION. IT IS RECOMMENDED THAT TRUCKING FIRMS ADOPT THE SAME TIGHT SECURITY FOUND IN AIR CARGO FACILITIES, WHICH HAVE BENEFITED GREATLY FROM ANTIHIJACKING MEASURES. SCHOOLS REPORT HIGH LOSS, A RESULT OF VALUABLE EQUIPMENT STORED IN A LAX-SECURITY SITUATION AND STUDENT VANDALISM. FINANCIAL CRIMES, ESPECIALLY CREDIT CARD AND CHECK FRAUDS, ARE THE BIGGEST SOURCE OF LOSS FOR FINANACIAL INSTITUTIONS, INSURANCE FIRMS, AND TICKET AND RESERVATION SERVICES. TIGHT INTERNAL AUDITING CONTROLS ARE RECOMMENDED, AND CUSTOMER SECURITY METHODS LISTED. THE SPECIAL PROBLEMS OF COMPUTER CRIME ARE DISCUSSED. AT THE HEART OF ANY LOSS CONTROL PROGRAM IS GOOD EMPLOYEE SECURITY, CAREFULLY PLANNED EXTERNAL SECURITY MEASURES, AND AN AWARENESS OF THE COST OF CRIME IN THE SECURITY SECTOR.
Availability: GPO Stock Order No. 003-009-00247-8; NCJRS MICROFICHE PROGRAM.

115. **R. S. ROSEFSKY. FRAUDS, SWINDLES, AND RACKETS—A RED ALERT FOR TODAY'S CONSUMERS.** 354 p. 1973. **NCJ-11597**
REVIEW OF ILLEGAL AND UNETHICAL CONSUMER FRAUDS ILLUSTRATED BY CASE STUDIES AND ANECDOTES. TOPICS COVERED INCLUDE MAIL ORDERS, 'GET-RICH-QUICK' SCHEMES, HOME IMPROVEMENT OFFERS, LAND DEALS, CREDIT, AND BOGUS SERVICES RACKETS. INCLUDED IS AN INDEX TO CONSUMER PROTECTION AGENCIES BY STATE.
Availability: FOLLETT PUBLISHING COMPANY, 1010 WEST WASHINGTON BOULEVARD, CHICAGO IL 60607.

116. **J. ROSENBLOOM. CONSUMER PROTECTION GUIDE, 1978.** MACMILLAN, 866 THIRD AVENUE, NEW YORK NY 10022. 533 p. 1978. **NCJ-45152**
INFORMATION IS PRESENTED ON CONSUMER SERVICES AND THE PRIVATE AND GOVERNMENTAL AGENCIES WITH WHOM COMPLAINTS ABOUT INADEQUATE SERVICES CAN BE REGISTERED. OVER 50 PROFESSIONAL AND NONPROFESSIONAL SERVICES ARE DISCUSSED, INCLUDING ACCOUNTANTS, ARCHITECTS, DOCTORS, LAWYERS, FINANCE COMPANIES, FUNERAL DIRECTORS, NURSING HOMES, REAL ESTATE SALES AGENTS, CORRESPONDENCE SCHOOLS, AND EMPLOYMENT AGENCIES. THE LISTING FOR EACH PROFESSION INCLUDES: A BRIEF DESCRIPTION OF WHAT EACH PRACTITIONER DOES; THE EDUCATIONAL AND OTHER QUALIFICATIONS REQUIRED FOR LICENSING; COMPLAINT PROCEDURES; THE NAMES, ADDRESSES, AND PHONE NUMBERS OF THE STATE LICENSING BOARDS AND PROFESSIONAL ASSOCIATIONS; AND, FOR SOME PROFESSIONS, GUIDELINES ON HOW TO SELECT A QUALIFIED PRACTITIONER. SERVICE ACTIVITIES ARE DISCUSSED MORE GENERALLY, WITH PERTINENT DIRECTORIES PROVIDED. THE GUIDE ALSO PROVIDES INFORMATION ON HOW TO MAKE A COMPLAINT AND GET RESULTS, HOW TO SPOT MISLEADING ADVERTISING AND QUESTIONABLE PRACTICES, WHAT TO LOOK FOR IN A CONTRACT, THE LEGAL STEPS OPEN TO DISSATISFIED CONSUMERS, AND STATE LICENSING BOARDS. AN INDEX IS APPENDED.
Availability: MACMILLAN, 866 THIRD AVENUE, NEW YORK NY 10022.

117. **D. P. ROTHSCHILD and B. C. THRONE. CRIMINAL CONSUMER FRAUD—A VICTIM-ORIENTED ANALYSIS.** MICHIGAN LAW REVIEW ASSOCIATION, HUTCHINS HALL, ANN ARBOR MI 48109. *MICHIGAN LAW REVIEW,* V 74, N 4 (MARCH 1976), P 681-707. **NCJ-35462**
ANALYSIS OF THE PHENOMENON OF CRIMINAL CONSUMER FRAUD DERIVING A DEFINITION FOCUSING ON VICTIMS, EXPLORING THE FULL RANGE OF LAW ENFORCEMENT PROBLEMS CONNECTED WITH IT, AND SUGGESTING A SET OF SOLUTIONS. RECOMMENDED CHANGES IN LAW ENFORCEMENT PRIORITIES AND PROCEDURES INCLUDE RECOGNITION OF THE IMPACT OF FRAUD ON CONSUMERS; ALLOCATION OF INVESTIGATORY RESOURCES WITH REGARD TO VICTIMIZATION PATTERNS AND MAINTENANCE OF A SYSTEMATIC RECORD OF COMPLAINTS; AND COOPERATION OF LAW ENFORCEMENT AUTHORITIES AND LOCAL CONSUMER GROUPS IN SORTING OUT POTENTIAL CRIMINAL OFFENSES FROM CIVIL DISPUTES REPORTED. A FURTHER RECOMMENDATION IS MADE TO ENACT A GENERAL CONSUMER-FRAUD STATUTE CARRYING PENAL SANCTIONS REFLECTING THE EXTENT OF VICTIMIZATION IN A GIVEN CASE.

118. **SAN DIEGO COUNTY OFFICE OF THE DISTRICT ATTORNEY, COUNTY COURTHOUSE, SAN DIEGO CA 92101. BUYERS BEWARE.** 59 p. 1978. **NCJ-49953**

THE MOST EFFECTIVE DETERRENT TO FRAUD IS AN ALERT AND INFORMED PUBLIC. VARIOUS TYPES OF FRAUD ARE DESCRIBED AND INSTRUCTIONS FOR CONSUMERS IN DEALING WITH FRAUD ARE PROVIDED. FRAUD IS AN ILLEGAL ACT CHARACTERIZED BY GUILE, DECEIT, MISREPRESENTATION, AND CONCEALMENT; IT IS NOT DEPENDENT ON PHYSICAL FORCE OR THE THREAT OF FORCE. IT MAY BE COMMITTED BY AN INDIVIDUAL OR A WELL-PLANNED CONSPIRACY TO OBTAIN MONEY, PROPERTY, OR SERVICES, OR TO SECURE BUSINESS OR PERSONAL ADVANTAGE. THE ESTIMATED COST OF FRAUD IS $40 BILLION ANNUALLY IN THE UNITED STATES. THE FOLLOWING GUIDELINES ARE SUGGESTED TO HELP CONSUMERS PROTECT THEMSELVES AGAINST FRAUD: (1) REMEMBER THAT WE GET WHAT WE PAY FOR; (2) EXPECT HUMAN WEAKNESS AND OBTAIN AT LEAST THREE PRICES OR ESTIMATES BEFORE BUYING; (3) DO NOT SUBMIT TO SALESPERSONS' HIGH PRESSURE TACTICS; (4) INSIST THAT ALL THE FACTS OF THE PURCHASE OR AGREEMENT BE IN WRITING; (5) UNDERSTAND ALL PROVISIONS OF CONTRACTS; AND (6) SHOP COMPARATIVELY FOR CREDIT. THE DISTRICT ATTORNEY'S FRAUD DIVISION USUALLY MAINTAINS EXTENSIVE FILES ON CONSUMER COMPLAINTS AND CAN INFORM THE CONSUMER IF A FIRM OR SALESPERSON HAS A RECORD OF COMPLAINTS. CONSUMER COMPLAINTS, HOWEVER, GENERALLY MUST BE RESOLVED THROUGH CIVIL LITIGATION. NUMEROUS POSSIBILITIES FOR FRAUD EXIST IN THE AUTO REPAIR INDUSTRY, HOME IMPROVEMENT SERVICES, APPLIANCE REPAIR SERVICES, AND SELF-IMPROVEMENT SCHEMES. BUSINESSES AND BUYERS SHOULD BEWARE OF PYRAMID FRANCHISES, FRANCHISE INVESTMENTS, WORK AT HOME SCHEMES, COMMODITY OPTION BROKERS, VENDING MACHINE PROMOTIONS, AND THE 'HOLDER IN DUE COURSE' DOCTRINE. FRAUDS AGAINST BUSINESS INCLUDE EMBEZZLEMENT, PILFERAGE, SHOPLIFTING, COMPUTER FRAUD, BRIBES, KICKBACKS, PAYOFFS, CREDIT CARD FRAUD, AND CHECK FRAUD. SCHEMES DIRECTED PRIMARILY AT CONSUMERS INVOLVE BAIT AND SWITCH TACTICS, UNORDERED MERCHANDISE, HOME FREEZER PLANS, MAGAZINE SUBSCRIPTIONS, RETIREMENT HOMES, CHARITABLE SOLICITATIONS, FAKE LABORATORY TESTS, MEDICAL FRAUD, COMPUTER DATING, SONG AND BOOK PUBLISHERS, AND DEBT ADJUSTING. CONSUMERS WHO HAVE A COMPLAINT SHOULD CONTACT THE BUSINESS OR FIRM FROM WHOM THEY RECEIVED THE SERVICE OR PRODUCT BY LETTER OR TELEPHONE. FOLLOWUP LETTERS SHOULD BE SENT IF NEEDED WITH COPIES TO THE ATTORNEY GENERAL, THE DISTRICT ATTORNEY, THE CITY ATTORNEY, AND NEWSPAPERS AND RADIO AND TELEVISION STATIONS IN THE AREA. MOST LIBRARIES HAVE COPIES OF 'STANDARD AND POOR'S' DIRECTORY OF BUSINESS ADDRESSES. A CONSUMER INFORMATION DIRECTORY IS INCLUDED WHICH CONTAINS A LIST OF AGENCIES TO ASSIST THE CONSUMER. DRAWINGS ILLUSTRATE THE TEXT.

Availability: NCJRS MICROFICHE PROGRAM.

119. **L. S. SCHRAGER and J. F. SHORT. TOWARD A SOCIOLOGY OF ORGANIZATIONAL CRIME.** SOCIETY FOR THE STUDY OF SOCIAL PROBLEMS. *SOCIAL PROBLEMS*, V 25, N 4 (APRIL 1978), P 407-419. **NCJ-51191**

THIS DISCUSSION OF ORGANIZATIONAL CRIME FOCUSES ON OPERATIVE GOALS OF ORGANIZATIONS, ADVERSE IMPACTS OF ILLEGAL ACTIONS, AND PATTERNS OF VICTIM-OFFENDER RELATIONSHIPS. ORGANIZATIONAL CRIMES ARE DEFINED AS ILLEGAL ACTIONS TAKEN IN ACCORDANCE WITH OPERATIVE ORGANIZATIONAL GOALS THAT SERIOUSLY HARM (PHYSICALLY OR ECONOMICALLY) EMPLOYEES, CONSUMERS, OR THE GENERAL PUBLIC. ALTHOUGH ORGANIZATIONAL CRIMES FALL WITHIN THE SCOPE OF WHITE COLLAR CRIMES, THE LATTER CONCEPT DOES NOT EXPLAIN SUFFICIENTLY THE PHENOMENON OF ORGANIZATIONAL CRIMES BECAUSE THAT CONCEPT SELDOM RECOGNIZES THE PHYSICAL IMPACT OR PECULIAR FEATURES OF CRIME IN AN ORGANIZATIONAL SETTING. CONSIDERATION OF TWO ISSUES, THE IMPACT OF ILLEGAL ORGANIZATIONAL BEHAVIOR AND CHARACTERISTICS OF CRIMES COMMITTED IN ORGANIZATIONAL SETTINGS, PROVIDES A FRAMEWORK FOR IDENTIFYING A CLASS OF ILLEGAL ACTIONS AS ORGANIZATIONAL CRIMES. THE CHARACTER OF ORGANIZATIONS PRESENTS THE FOLLOWING SPECIAL DIFFICULTIES FOR THE STUDY OF CRIMINAL BEHAVIOR IN ORGANIZATIONAL SETTINGS: ESTABLISHING CRIMINAL INTENTION, DETERMINING INDIVIDUAL RESPONSIBILITY FOR OFFENSES, AND APPLYING THE CIVIL-CRIMINAL DISTINCTION TO ORGANIZATIONAL BEHAVIOR. EMPLOYEES, CONSUMERS, AND THE GENERAL PUBLIC ARE POTENTIAL VICTIMS OF ORGANIZATIONAL ACTIVITIES IN WAYS DETERMINED BY THEIR RELATIONSHIPS TO THE PRODUCTION OF GOODS AND SERVICES. INVESTIGATING PATTERNS OF VICTIM-OFFENDER RELATIONSHIPS REVEALS THE SERIOUSNESS OF ORGANIZATIONAL ILLEGALITY AND DEMONSTRATES ITS CONNECTION TO A BROAD RANGE OF HAZARDS, SUCH AS MINE DISASTERS, PRODUCT FAILURES, AND CHEMICAL SPILLS. WHILE SERIOUS FORMS OF COMMON CRIME ARE CONDEMNED BY SOCIETY, NO SUCH CONSENSUS EXISTS IN INDUSTRIAL SOCIETIES WITH REGARD TO HAZARDOUS ORGANIZATIONAL ACTIVITIES. REFERENCES ARE INCLUDED.

Supplemental Notes: BASED ON PAPERS PRESENTED AT THE 1977 ANNUAL MEETINGS OF THE AMERICAN SOCIOLOGICAL ASSOCIATION AND THE AMERICAN SOCIETY OF CRIMINOLOGY.

120. **J. G. SCHUBERT, A. M. ROSE, G. J. ZWEIBEL, and D. J. KLAUS. CONSUMER FRAUD—AN ANALYSIS OF IMPACT AND OPPORTUNITIES FOR INTERVENTION—TECHNICAL REPORT—PHASE 1.** AMERICAN INSTITUTES FOR RESEARCH. 179 p. 1977. **NCJ-52673**

THIS, THE FIRST PART OF A THREE-PHASE STUDY, DESCRIBES THE NATURE, SCOPE, AND CHARACTERISTICS OF CONSUMER FRAUD BASED ON A SAMPLE OF 400 CASES OBTAINED FROM A TOTAL OF 19 DATA SOURCES. THE FIRST SECTION OF THIS REPORT DESCRIBES THE COLLECTION OF CASE EXAMPLES FROM CONSUMER PROTECTION AGENCIES, RADIO STATIONS WITH A 'CALL FOR ACTION' PROGRAM, STATE OFFICES OF CONSUMER AFFAIRS, LEGAL AID SERVICES, THE UNITED STATES POSTAL SERVICE, AND THE FEDERAL TRADE COMMISSION. THE PROBLEM OF GETTING 400 CASES WITH ENOUGH INFORMATION FOR ANALYSIS IS DISCUSSED. THE SECOND SECTION PRESENTS THE ACTUAL ANALYSIS, COMPLETE WITH CHARTS, TABLES, STATISTICS, AND COMMENTARY. THE STUDY COVERED TYPE OF PRODUCT OR SERVICE INVOLVED, CHARACTERISTICS OF THE CONSUMER WHO WAS DEFRAUDED, MERCHANT CHARACTERISTICS, INVOLVEMENT OF OTHER PARTIES, NATURE OF THE INITIAL CONTACT BETWEEN CONSUMER AND MERCHANT, NATURE OF THE COMPLAINT, NATURE OF THE ALLEGED FRAUD, PRIMARY MEDIUM USED TO PERPETRATE THE FRAUD, POINT AT WHICH THE FRAUD WAS PERPETRATED AND AT WHICH IT BECAME APPARENT TO THE COMPLAINANT, DOLLARS INVOLVED IN THE INDIVIDUAL TRANSACTION AND IN THE OVERALL SCHEME, AND DOLLAR LOSS TO BOTH THE INDIVIDUAL AND IN THE OVERALL SCHEME. AGENCY ACTION UPON RECEIPT OF THE COMPLAINT WAS ALSO ANALYZED. IT WAS FOUND THAT MOST CONSUMER FRAUD IS RATHER SIMPLE IN PLAN AND EXECUTION AND MOST CASES WERE, AT THE BEGINNING, RELATIVELY INDISTINGUISHABLE FROM EVERYDAY HONEST TRANSACTIONS. THE GREED AND CARELESSNESS OF THE MERCHANTS INVOLVED AS WELL AS THE FRUSTRATION OF THE CONSUMER TRYING TO OBTAIN REDRESS ARE COMMENTED UPON. FEW

OF THE FRAUDS INVOLVED LARGE SUMS OF MONEY. THE PROCESS WHICH WILL BE USED TO DEVELOP TYPOLOGIES OF CONSUMER FRAUD FOR THE SECOND PHASE OF THE STUDY ARE DESCRIBED. APPENDIXES CONTAIN MATERIALS RELATED TO THE STUDY: SAMPLE CASES, CHARACTERISTICS OF PARTICIPATING AGENCIES, ADDITIONAL STATISTICS, DEFINITIONS, AND REFERENCES.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: NCJRS MICROFICHE PROGRAM. Stock Order No. A1R5900-TR-12/77.

121. **J. G. SCHUBERT, R. E. KRUG, and A. M. ROSE. CONSUMER FRAUD—AN ANALYSIS OF IMPACT AND OPPORTUNITIES FOR INTERVENTION—TECHNICAL REPORT—PHASE 2.** AMERICAN INSTITUTES FOR RESEARCH. 165 p. 1978. **NCJ-52674**

THIS REPORT DOCUMENTS THE DATA-GATHERING PHASE OF A STUDY OF THE NATURE AND IMPACT OF CONSUMER FRAUD. THE ANALYSIS REVEALS 23 'TYPICAL' FRAUD CASE PROFILES AND FINDS MOST ARISE FROM NORMAL BUSINESS TRANSACTIONS. A TWO-STEP ANALYSIS TECHNIQUE WAS USED IN THIS, THE SECOND OF THREE PHASES OF A RESEARCH PROJECT. FIRST, 1,147 CASES COLLECTED FROM CITY, COUNTY, STATE, AND MULTIJURISDICTIONAL CONSUMER COMPLAINT AND FRAUD AGENCIES WERE ANALYZED TO DETERMINE THE NATURE, SCOPE, AND CHARACTERISTICS OF CONSUMER FRAUD. THEN A SAMPLE OF 383 CASES WAS EXAMINED IN DETAIL TO IDENTIFY STRATEGIES USED TO TRY TO PREVENT SUCH FRAUD. THE LARGE ANALYSIS YIELDED 23 CONSUMER FRAUD PROFILES. THESE PROFILES INCLUDE NINE DIFFERENT TRANSACTIONAL SEQUENCES EXPLORING THE INTERACTIONS BETWEEN CONSUMER, MERCHANT, AND CONSUMER COMPLAINT AGENCY. THE DATA ARE ILLUSTRATED IN A SERIES OF CHARTS AND FIGURES. IT WAS FOUND THAT MOST OF THE CASES INVOLVED COMMONPLACE BUSINESS TRANSACTIONS, NOT CAREFULLY PLANNED AND EXECUTED SCHEMES. NONDELIVERY OF MERCHANDISE, MERCHANDISE WHICH WAS LESS THAN EXPECTED, AND A MERCHANT WHO HAD INSUFFICIENT FUNDS TO MAKE GOOD ON A GUARANTEE WERE THE MOST COMMON COMPLAINTS. OVERREPRESENTATION OF GOODS OR SERVICES WAS CONSIDERED A PRIMARY FACTOR IN A MAJORITY OF THE COMPLAINTS. CHARTS AND TABLES PRESENT THE STUDY DATA. APPENDIXES INCLUDE THE DATA COLLECTION FORMS, THE STATISTICAL ANALYSES, AND OTHER SUPPORTING INFORMATION. PHASE THREE WILL EXAMINE POSSIBLE INTERVENTION STRATEGIES. (SEE ALSO NCJ 52672 AND 52673.)

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

122. **J. G. SCHUBERT, R. E. KRUG, and A. M. ROSE. CONSUMER FRAUD—AN EMPIRICAL PERSPECTIVE—SUMMARY.** NATIONAL CONSUMER LAW CENTER, 11 BEACON STREET, BOSTON MA 02108; AMERICAN INSTITUTES FOR RESEARCH, 1055 THOMAS JEFFERSON STREET, NW, WASHINGTON DC 20007. 78 p. 1979. **NCJ-52676**

THE OBJECTIVES OF A CONSUMER FRAUD STUDY ARE SUMMARIZED, ALONG WITH THE RESULTING GOVERNMENT INTERVENTION STRATEGIES AND RECOMMENDATIONS FOR THEIR IMPLEMENTATION. THE GENERAL PLAN FOR THE LEAA-SPONSORED CONSUMER FRAUD PROJECT CONSISTED OF THREE PHASES. THE PURPOSE OF THE FIRST PHASE WAS TO DESCRIBE THE NATURE, SCOPE, AND CHARACTERISTICS OF CONSUMER FRAUD AND THE LAWS AND REGULATIONS INTENDED FOR ITS CONTROL. THE PURPOSE OF THE SECOND PHASE WAS TO EXPAND ON THE FIRST BY COLLECTING A LARGER AND MORE FOCUSED SET OF CONSUMER FRAUD EVENTS AND BY EXAMINING THE EFFECTIVENESS OF EXISTING CONTROL MECHANISMS IN ORDER TO DETERMINE THE REQUIREMENTS OF NEW OR MODIFIED PREVENTION AND CONTROL SCHEMES. THE PRODUCT OF THE THIRD PHASE WOULD THEN BE A SET OF RECOMMENDED APPROACHES OR STRATEGIES TO PROTECT CONSUMERS FROM FRAUD. IN THE COURSE OF THE FIRST TWO PHASES, CASE HISTORIES OF CONSUMER FRAUD EVENTS WERE COLLECTED, AND QUANTITATIVE PROFILES OF VARIOUS PATTERNS OF CONSUMER FRAUD WERE DEVELOPED. WORKING FROM THESE DATA, SOME 16 APPROACHES TO COMBATING CONSUMER FRAUD WERE PROPOSED AND ORGANIZED INTO THE FOLLOWING SIX GROUPS: (1) PAYMENT PLANNING--INVOLVING THE RESTRUCTURING OF PAYMENT PROCEDURES TO ALLOW CONSUMERS MORE FLEXIBILITY IN THE FACE OF POSSIBLE FRAUD; (2) POSTSALE ALTERNATIVES--OPTIONS GIVING CONSUMERS THE OPPORTUNITY TO EXERCISE AUTOMATIC CANCELLATION RIGHTS; (3) COMPLAINT MEDIATION--GOVERNMENT AID IN NEGOTIATING CONSUMER SATISFACTION; (4) PRIVATE REMEDIES--OPTIONS ALLOWING CONSUMERS TO INITIATE PROCEEDINGS AGAINST FRAUDULENT MERCHANTS WITHOUT INVOLVING A THIRD PARTY; (5) COVERAGE FOR CONSUMER LOSS--PROVIDING RESTITUTION TO VICTIMS OF CONSUMER FRAUD BY REQUIRING BONDING, INSURANCE, AND PREFERENTIAL TREATMENT FOR CONSUMERS DURING BANKRUPTCY PROCEEDINGS; AND (6) DOCUMENT SIMPLIFICATION--REQUIRING A BALANCE OF INFORMATION BETWEEN THE MERCHANT AND THE CONSUMER IN ALL TRANSACTIONS WHERE PRINT MEDIA ARE INVOLVED. RECOMMENDATIONS FOR IMPLEMENTATION WERE THEN DEVELOPED AND ARE DISCUSSED WITH REGARD TO PRIORITY TARGETS AND SUGGESTED ACTIONS BY THE PRIVATE SECTOR AND AT THE FEDERAL, STATE, LOCAL, AND LEAA LEVELS. TABULAR DATA AND THREE APPENDIXES ARE ATTACHED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION CRIMINAL CONSPIRACIES DIVISION, 633 INDIANA AVENUE, NW, WASHINGTON, DC 20531.

Availability: GPO Stock Order No. 027-000-00824-1; AMERICAN INSTITUTES FOR RESEARCH, 1055 THOMAS JEFFERSON STREET, NW, WASHINGTON DC 20007. Stock Order No. AIR-59000-11/78-.

123. **L. J. SEIDLER, F. ANDREWS, and M. J. EPSTEIN. EQUITY FUNDING PAPERS—THE ANATOMY OF A FRAUD.** JOHN WILEY AND SONS, 605 THIRD AVENUE, NEW YORK NY 10016. 589 p. 1977. **NCJ-57732**

THE MECHANICS OF THE EQUITY FUNDING STOCK FRAUD ARE DISCUSSED, ALONG WITH FACTORS DELAYING AND CONTRIBUTING TO ITS EVENTUAL EXPOSURE. THE TRUSTEE'S REPORT (FILED IN ACCORDANCE WITH A PROVISION OF THE BANKRUPTCY ACT), EXTENSIVE FINANCIAL INFORMATION, AND THE TRANSCRIPT OF THE AUDITORS' TRIAL FORM THE CORE OF THIS VOLUME. THE TRUSTEE'S REPORT IS THE BASIC SOURCE OF FACTUAL INFORMATION ABOUT THE FRAUD AND ITS OPERATION. THE PROXY STATEMENTS, PROSPECTUSES, FINANCIAL STATEMENTS, INTERIM REPORTS, AND THE SUPPLEMENTARY INSURANCE SCHEDULES ARE THE RAW MATERIALS INCLUDED FOR THOSE WHO WISH TO DETERMINE FOR THEMSELVES WHETHER OUTSIDE FINANCIAL ANALYSTS, CREDITORS, AND INVESTORS SHOULD HAVE BEEN ABLE TO DETECT THE FRAUD. ACCORDING TO THE TRUSTEE'S REPORT, THE FRAUD AT EQUITY FUNDING CORPORATION OF AMERICA WAS ESSENTIALLY A SECURITIES FRAUD. WHILE MUCH ATTENTION HAS BEEN FOCUSED ON THE INSURANCE ASPECTS, ESPECIALLY THE MANUFACTURE OF BOGUS POLICIES, THAT ACTIVITY WAS MERELY ONE PART OF A MUCH LARGER STOCK FRAUD THAT BEGAN AT OR BEFORE THE TIME OF EQUITY FUNDING'S FIRST PUBLIC OFFERING IN 1964. THE PERPETRATORS OF THE

FRAUD, WHO WERE MAJOR HOLDERS OF THE COMPANY'S STOCK, INTENDED TO INFLATE AND KEEP THE MARKET PRICE OF THE COMPANY'S COMMON STOCK FOR THE PURPOSES OF PERSONAL ENRICHMENT AND EGO ENHANCEMENT. THEY WANTED TO BE KNOWN AS THE MANAGEMENT FORCE BEHIND A COMPANY BELIEVED TO PHENOMENALLY SUCCESSFUL. THE FRAUD WAS IMPLEMENTED PRINCIPALLY BY INFLATING THE COMPANY'S REPORTED EARNINGS LARGELY THROUGH RECORDING NONEXISTENT COMMISSION INCOME. THIS PRACTICE APPEARS TO HAVE BEGUN AT LEAST AS EARLY AS 1964 IN ANTICIPATION OF THE COMPANY'S FIRST OFFERING OF COMMON STOCK; IT CONTINUED ON AN INCREASING SCALE UNTIL THE FRAUD WAS DISCOVERED IN EARLY 1973, PRIMARILY DUE TO A FIRED EMPLOYEE'S REVELATIONS TO INSURANCE REGULATORY AGENCIES IN STATES WHERE THE COMPANY OPERATED. ALTHOUGH OUTSIDE AUDITORS AND FINANCIAL ANALYSTS EXAMINED COMPANY FINANCIAL STATEMENTS, THE FRAUD CONTINUED FOR A DECADE. WHILE SPECULATIONS ARE OFFERED AS TO WHY THE FRAUD WAS NOT UNCOVERED SOONER, AS SPECIFIC CONCLUSIONS ARE DRAWN. CORE DOCUMENTS ARE INCLUDED.

Supplemental Notes: WILEY/HAMILTON SERIES ON ACCOUNTING AND INFORMATION SYSTEMS.

Availability: JOHN WILEY AND SONS, 605 THIRD AVENUE, NEW YORK NY 10016.

124. **S. P. SETHI. LIABILITY WITHOUT FAULT?—THE CORPORATE EXECUTIVE AS AN UNWITTING CRIMINAL.** EXECUTIVE ENTERPRISES PUBLICATIONS CO INC, 33W 60TH STREET, NEW YORK NY 10023. *EMPLOYEE RELATIONS LAW JOURNAL.* V 4, N 2 (1978), P 185-219. **NCJ-56550**
THE EXPANDING SCOPE OF CORPORATE EXECUTIVES' PERSONAL CRIMINAL LIABILITY FOR CORPORATE LAW VIOLATIONS IN WHICH THEY ARE NOT DIRECTLY INVOLVED IS EXAMINED. CASE STUDIES, FROM THE UNITED STATES, FRANCE, AND GREAT BRITAIN ILLUSTRATE HOW GROWTH IN GOVERNMENTAL REGULATION OF BUSINESS ACTIVITIES IN INDUSTRIALIZED COUNTRIES HAS BEEN ACCOMPANIED BY INCREASING EXPOSURE OF CORPORATE EXECUTIVES TO CRIMINAL LIABLILITY FOR LAW VIOLATIONS BY THEIR SUBORDINATES. AT THE HEART OF THIS MOVEMENT TOWARD VICARIOUS LIABILITY FOR EXECUTIVES IS SOCIETY'S STRUGGLE TO COME TO GRIPS WITH THE REALITY OF THE CORPORATION AND TO SUBJECT CORPORATIONS TO EFFECTIVE CONTROLS. THE MOVEMENT REFLECTS THE FAILURE OF MORE TRADITIONAL MEANS OF CORRECTING CORPORATE ABUSES. THESE FAILURES ARE FOUND IN MARKET INSTITUTIONS, EXISTING LEGAL PHILOSOPHIES AND ENFORCEMENT STRUCTURES, AND THE NEWS MEDIA. ISSUES SURROUNDING THE IMPOSITION OF CRIMINAL PENALTIES, INCLUDING IMPRISONMENT, UNDER CONDITIONS OF VICARIOUS LIABILITY HAVE NOT RECEIVED THE ATTENTION THEY DESERVE. NOR HAS THERE BEEN ADEQUATE CONSIDERATION OF QUESTIONS ABOUT THE RELATIONSHIP BETWEEN BUSINESS AND OTHER SOCIAL INSTITUTIONS, ABOUT SOCIETAL EXPECTATIONS OF CORPORATE EXECUTIVES, AND ABOUT THE EFFECTS OF EXPANDING CORPORATE EXECUTIVES' PERSONAL LIABILITY ON BUSINESS DECISIONMAKING AND PERFORMANCE (AND, BY IMPLICATION, ON ECONOMIC GROWTH AND SOCIAL WELFARE). THESE ISSUES AND QUESTIONS NEED TO BE ADDRESSED IN ORDER TO AVOID UNINTENDED, SOCIALLY UNDESIRABLE CONSEQUENCES OF IMPOSING CRIMINAL PENALITIES ON EXECUTIVES FOR CORPORATE VIOLATIONS.

125. **R. SHAPLEN. ANNALS OF CRIME—THE LOCKHEED INCIDENT.** NEW YORKER MAGAZINE, INC, 25 WEST 43RD STREET, NEW YORK NY 10036. *NEW YORKER,* V 53 (JANUARY 23 AND 30, 1978), PART 1 P 48-50, 54-56, 58, 60-66, 69-74, PART 2—P 74-91. **NCJ-50809**
THE LOCKHEED BRIBERY SCANDAL IN JAPAN PROVOKED A BROAD AND LINGERING CATHARSIS IN THE JAPANESE POLITICAL SYSTEM. THE POLITICAL AND SOCIAL CONFUSION CAUSED BY THE CASE HAS CHANGED INTO A NATIONAL SELF-SEARCHING FOR NEW ANSWERS. INCIDENTS INVOLVING THE LOCKHEED CORPORATION BECAME PUBLIC FOLLOWING HEARINGS BEFORE THE UNITED STATES SENATE SUBCOMMITTEE ON MULTINATIONAL CORPORATIONS. PARTICULARLY IMPORTANT TESTIMONY WAS GIVEN BY THE PRESIDENT OF LOCKHEED, A. CARL KOTCHIAN, REVEALING THAT OVER $12 MILLION IN BRIBES AND UNLAWFUL COMMISSIONS WERE PAID TO JAPANESE OFFICIALS IN THE EARLY 1970'S. SPECIFIC EVENTS INCLUDED THE PAYMENT THROUGH A COURIER OF ONE-HALF BILLION YEN (ABOUT $1,600,00) IN BRIBES TO THE JAPANESE PRIME MINISTER, KAKUEI TANAKA. THE PURPOSE OF THE BRIBERY WAS TO EXPEDITE THE SALE OF TRISTAR AIRCRAFT TO ALL NIPPON AIRWAYS. THE HISTORY OF THE LOCKHEED AFFAIR NOTES THAT THE USE OF COMMERCIAL BRIBERY HAS BEEN EXTENSIVE IN THE FOREIGN SALES PROGRAMS OF HIGHLY COMPETITIVE INDUSTRIES. ALTHOUGH LOCKHEED HAS NOT BEEN THE ONLY AIRCRAFT COMPANY TO ENGAGE IN SUCH ACTIVITY, IT IS FELT THAT LOCKHEED HAS BEEN A PACESETTER IN THE INDUSTRY, BEGINNING WITH ITS EFFORTS TO SELL F-104 PLANES TO JAPAN IN THE LATE 1950'S. THE RELATIONSHIP BETWEEN BUSINESS AND POLITICS IN JAPAN REMAINS EXTREMELY CLOSE, EVEN AFTER THE SCANDAL WHICH RESULTED IN THE RESIGNATION OF PRIME MINISTER TANAKA. ALTHOUGH THE FORM AND PRACTICE OF JAPANESE POLITICS ARE CHANGING, THERE REMAINS AN AIR OF UNCERTAINTY AMONG THE JAPANESE PUBLIC. UNLIKE PREVIOUS SCANDALS, THE LOCKHEED CASE HAS APPARENTLY FORCED THE PUBLIC TO CONFRONT THE NEED FOR CHANGE IN TRADITIONAL POLITICAL PRACTICES, AND FOR A REAPPRAISAL OF BASIC VALUES. THE JAPANESE WERE DISMAYED BY THE EVENTS, YET THEY CONCOMMITANTLY FELT A CERTAIN PRIDE IN THE EFFECTIVENESS OF THE DEMOCRATIC PROCESS WHICH UNCOVERED THE BRIBERY. IT IS SPECULATED THAT THE RESIDUAL EFFECT OF THE SCANDAL WILL BE A POLITICAL APATHY THAT WILL LAST UNTIL JAPANESE POLITICS BECOME LESS DEPENDENT UPON BUSINESS MONEY.

Supplemental Notes: ARTICLE IN TWO PARTS.

126. **J. SHELDON and G. J. ZWEIBEL. SURVEY OF CONSUMER FRAUD LAW FOR INTERVENTION—SURVEY OF CONSUMER FRAUD LAW.** AMERICAN INSTITUTES FOR RESEARCH, 1055 THOMAS JEFFERSON STREET, NW, WASHINGTON DC 20007; NATIONAL CONSUMER LAW CENTER, 11 BEACON STREET, BOSTON MA 02108. 225 p. 1977. **NCJ-43733**
THIS REPORT SURVEYS EXISTING CONSUMER FRAUD LAW AT THE FEDERAL, STATE, AND LOCAL LEVELS, OUTLINING THE FRAUDULENT PRACTICES THIS LEGISLATION IS TARGETED AGAINST AND THE ENFORCEMENT STRATEGIES UTILIZED. A GENERAL DESCRIPTION OF THE STATE OF CONSUMER FRAUD LAW IS PRESENTED, DELINEATING STATE, LOCAL, AND FEDERAL GOVERNMENTS' CONSUMER FRAUD CONCERNS AND THE METHODS THEY USE TO COMBAT THESE PERCEIVED PROBLEMS. PERSPECTIVE IS ADDED BY INCLUDING DESCRIPTIONS OF HISTORICAL AND FOREIGN APPROACHES TO CONSUMER FRAUD. PART I OF THE REPORT TRACES THE HISTORICAL DEVELOPMENT OF CONSUMER FRAUD LAWS. PART II PRESENTS AN ANALYSIS OF 67 CONSUMER FRAUD PRACTICES STATES HAVE TARGETED FOR REGULATION AND 33 STRATEGIES USED TO PREVENT THESE PROHIBITED PRACTICES. PART III DISCUSSES THE VARIOUS APPROACHES THAT MUNICIPALITIES AND COUNTRIES TAKE IN POLICING CONSUMER TRANSACTIONS. BOTH THE FRAUD PRACTICES OF CONCERN TO FEDERAL AGENCIES AND THE STRATEGIES UTILIZED TO PREVENT THEM ARE DESCRIBED IN PART IV; ALSO CONTAINED IS AN AGENCY-BY-AGENCY ANALYSIS SUMMARIZING IMPORTANT CONSUMER FRAUD LAWS AND REMEDIES ADMINISTERED BY

28 FEDERAL AGENCIES. PART V SETS OUT INNOVATIVE STRATEGIES THAT FOREIGN JURISDICTIONS HAVE UTILIZED TO COMBAT FRAUD IN THE MARKETPLACE. THE APPENDIX DISCUSSES OTHER FEDERAL AGENCIES. (AUTHOR ABSTRACT MODIFIED)

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: GPO. Stock Order No. 027-000-00672-8.

127. **L. A. SOBEL, Ed. CORRUPTION IN BUSINESS.** 234 p. 1977. **NCJ-41495**

THIS BOOK CONTAINS CAPSULE SKETCHES OF SCORES OF RECENT POLITICAL AND BUSINESS RELATED CORRUPTION SCANDALS. CORRUPTION IN BUSINESS, ACCORDING TO THE EDITOR, IS FREQUENT, WIDESPREAD, AND FAMILIAR. THERE HAVE BEEN VIOLATIONS IN ANTITRUST REGULATIONS, AND FRAUD AND ABUSE IN THE EXCHANGE OF SECURITIES. THIS BOOK GOES INTO OVERSEAS BRIBERY AND CORRUPTION. IT TOUCHES ON THE LOCKHEED CASE AND MATTERS INVOLVING GULF OIL, NORTHRUP, AND UNITED BRANDS. THE LINK BETWEEN POLITICS AND CORRUPTION IS ALSO EXAMINED, SUCH AS THE ITT CASE, DAIRY COMPANY PAYOFFS TO POLITICIANS, AND FEDERAL AID TO PROMINENT REPUBLICAN SUPPORTERS.

Availability: FACTS ON FILE, INC, 119 WEST 57TH STREET, NEW YORK NY 10019.

128. **D. R. STANTON. YOUR CONSUMER CREDIT RIGHTS.** 192 p. 1975. **NCJ-46606**

UTILIZING LANGUAGE GEARED FOR AN AVERAGE CONSUMER, VARIOUS CONSUMER ISSUES ARE DETAILED, INCLUDING LOANS, TRUTH-IN-LENDING RIGHTS, CREDIT CARD LAWS, HOME MORTGAGE LOAN REGULATIONS, AND SOURCES OF CONSUMER HELP. NUMEROUS CASE STUDIES AND EXAMPLES ARE USED TO ILLUSTRATE CONSUMER RIGHTS AND FORBIDDEN ABUSES. BASIC PRINCIPLES OF CONSUMER CREDIT, FORBIDDEN COLLECTION TACTICS, THE PRIVACY OF CREDIT RECORDS AND RATINGS, RIGHTS IN CONSUMER LOANS, COMMON LOOPHOLES, AND TECHNIQUES ONE CAN USE TO AVOID FALLING VICTIM TO UNSCRUPULOUS TACTICS ARE COVERED. AS ARE TRUTH-IN-LENDING, THE PITFALLS OF INSTALLMENT BUYING, AND USE OF CREDIT CARDS. CREDIT INSURANCE IS EXAMINED IN DETAIL. THE FINAL CHAPTERS EXPLAIN HOW TO GET OUT OF FINANCIAL TROUBLE, HOW TO HANDLE CREDIT DISCRIMINATION, AND HOW BUYERS CAN ASSERT THEIR RIGHTS IN HOME MORTGAGE TRANSACTIONS. A SUMMARY OF CONSUMER CREDIT REMEDIES IS PROVIDED. A DISCUSSION OF PENDING LEGISLATION (AS OF 1975) IS INCLUDED. THE BILLS INCLUDE THOSE RELATING TO: THE OUTLAWING OF CREDIT DISCRIMINATION ON THE BASIS OF RACE, COLOR, OR RELIGION; BANKRUPTCY REFORM; INCREASED ACCESS TO CREDIT FILES; FEDERAL TRADE COMMISSION RULINGS; AND TRUTH-IN-SAVINGS PROPOSALS. A GLOSSARY OF CREDIT TERMS IS APPENDED. AN INDEX IS PROVIDED.

Availability: MAJOR BOOKS, 21335 ROSCOE BOULEVARD, CANOGA PARK CA 91304.

129. **E. H. STEELE. FRAUD, DISPUTE, AND THE CONSUMER—RESPONDING TO CONSUMER COMPLAINTS.** UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, 3400 CHESTNUT STREET, PHILADELPHIA PA 19174. *UNIVERSITY OF PENNSYLVANIA LAW REVIEW,* V 123, N 5 (MAY 1975), P 1107-1186. **NCJ-38974**

SEVERAL LEVELS OF CONSUMER RESPONSE ON A CONTINUUM RANGING FROM FORMAL LAW ENFORCEMENT AND GENERAL DETERRENCE TO INFORMAL RESOLUTION OF INDIVIDUAL DISPUTES ARE ADDRESSED. A DISCUSSION OF THE THEORY OF DISPUTE MANAGEMENT INSTITUTIONS SKETCHES A GENERAL MODEL APPLICABLE TO DISPUTES IN GENERAL. THE CASE STUDY THAT FOLLOWS IS BASED ON A DETAILED EXAMINATION OF ONE CONSUMER FRAUD BUREAU OF THE ILLINOIS ATTORNEY GENERAL'S DIVISION OF CONSUMER FRAUD AND PROTECTION. THIS IN-DEPTH ANALYSIS FOCUSES ON TWO ASPECTS OF THE BUREAU—WHO COMPLAINS TO THE BUREAU ABOUT WHAT, AND THE BUREAU'S RESPONSE TO THESE COMPLAINTS. ANALYSIS REVEALED THAT THE CONSUMER FRAUD BUREAU DOES NOT OPERATE PRIMARILY AT THE FORMAL LEVEL OF QUASI-CRIMINAL LAW ENFORCEMENT ENVISIONED IN ITS EMPOWERING STATUTE, FERRETING OUT AND PUNISHING THE HARD CORE DISHONEST BUSINESSES. INSTEAD, THE BUREAU'S PRIMARY FUNCTIONING IS AT THE MORE INFORMAL LEVEL OF PROBLEM SOLVING AND CONCRETE DISPUTE RESOLUTION.

Supplemental Notes: REPRINT.

Availability: AMERICAN BAR FOUNDATION, 1155 EAST 60TH STREET, CHICAGO IL 60637.

130. **US COMPTROLLER GENERAL, 441 G STREET NW, WASHINGTON DC 20548. VICTIMS OF UNFAIR BUSINESS PRACTICES GET LIMITED HELP FROM THE FEDERAL TRADE COMMISSION.** 42 p. 1978. **NCJ-51372**

EFFORTS OF THE FEDERAL TRADE COMMISSION TO HELP CONSUMERS WHO ARE VICTIMS OF UNFAIR OR DECEPTIVE BUSINESS PRACTICES ARE EXPLORED IN THIS REPORT BY THE GENERAL ACCOUNTING OFFICE (GAO). CONSUMERS WHO ARE VICTIMS OF UNFAIR BUSINESS PRACTICES CAN SEEK HELP BY DOING THE FOLLOWING: (1) CONTACTING THE BUSINESS DIRECTLY, LOCAL CONSUMER GROUPS, BETTER BUSINESS BUREAU ORGANIZATIONS, STATE AGENCIES THAT INVESTIGATE CONSUMER COMPLAINTS AND FILE SUITS AGAINST BUSINESSES VIOLATING STATE CONSUMER PROTECTION LAWS, AND (2) FILING SUITS WITH SMALL CLAIMS COURTS, OTHER COURTS, OR FEDERAL AGENCIES, SUCH AS THE FEDERAL TRADE COMMISSION. BECAUSE OF ITS BROAD POWER AND RESPONSIBILITIES, THE FEDERAL TRADE COMMISSION IS IN A UNIQUE POSITION TO REDUCE UNFAIR AND DECEPTIVE ACTS AND PRACTICES IN THE MARKETPLACE. THROUGH THE COURTS IT IS ALSO ABLE TO SEEK COMPENSATION FOR CONSUMER LOSSES RESULTING FROM DISHONEST OR FRAUDULENT ACTS AND PRACTICES. THE COMMISSION HAS HAD, HOWEVER, ONLY LIMITED SUCCESS WITH REGARD TO CONSUMER PROTECTION. IN SOME CASES, CONSUMERS HAVE RECEIVED NO REDRESS. IN OTHER CASES, THE AMOUNT OF REDRESS HAS BEEN RELATIVELY SMALL OR REDRESS HAS BEEN AVAILABLE TO ONLY A FEW CONSUMERS. THE COMMISSION'S ABILITY TO OBTAIN CONSUMER REDRESS HAS BEEN LIMITED BY ITS IMPRACTICAL AUTHORITY (LENGTHY AND TIME-CONSUMING PROCEDURES) AND INTERNAL MANAGEMENT PROBLEMS AND THE WEAK FINANCIAL POSITION OF MANY BUSINESSES IT INVESTIGATES. A SECTION ADDED TO THE FEDERAL TRADE COMMISSION ACT AUTHORIZES THE COMMISSION TO SEEK REDRESS FOR CONSUMERS, BUT ITS PROVISIONS COMPLICATE THE PROCESS BY REQUIRING THE COMMISSION TO COMPLETE ITS CASE AGAINST A BUSINESS BEFORE GOING TO A FEDERAL OR STATE COURT TO OBTAIN REDRESS. IN THE MAJORITY OF CASES REVIEWED BY THE GAO, THE COMMISSION TOOK 4 OR MORE YEARS TO COMPLETE A CASE. THE GAO RECOMMENDS THAT CONGRESS CLARIFY AND STRENGTHEN THE COMMISSION'S AUTHORITY AND THAT THE COMMISSION ACCELERATE ITS INTERNAL PROCESSES TO HELP CONSUMERS MORE EFFECTIVELY. THE SECTION ADDED TO THE FEDERAL TRADE COMMISSION ACT IS APPENDED.

Supplemental Notes: ADDITIONAL COPIES AVAILABLE FOR FEE REPORT TO THE CONGRESS OF THE UNITED STATES BY THE COMPTROLLER GENERAL.

Availability: US GENERAL ACCOUNTING OFFICE DISTRIBUTION SECTION, P O BOX 1020, WASHINGTON DC 20013. Stock Order No. HRD-78-140.

131. **US CONGRESS HOUSE SUBCOMMITTEE ON CONSUMER AFFAIRS, WASHINGTON DC 20015. CONSUMER CREDIT PROTECTION ACT AMENDMENTS OF 1977, PART 1—HEARINGS BEFORE THE HOUSE SUBCOMMITTEE ON CONSUMER AFFAIRS, 95TH CONGRESS, 1ST SESSION, HR 8753, SEPTEMBER 20, 22, 23 AND 26, 1977.** 596 p. 1977. **NCJ-55911**

PART OF THE TESTIMONY PRESENTED DURING 8 DAYS OF CONGRESSIONAL HEARINGS ON A LEGISLATIVE PROPOSAL TO SAFEGUARD CONSUMERS IN THE USE OF ELECTRONIC FUNDS TRANSFER SYSTEMS AND CREDIT CARDS IS RECORDED. PART I DOCUMENTS THE FIRST 4 DAYS' TESTIMONY ON H.R. 8753. THE BILL IN QUESTION IS CITED AS THE CONSUMER CREDIT PROTECTION ACT AMENDMENTS OF 1977 AND CONSISTS OF TWO PARTS: THE ELECTRONIC FUNDS TRANSFER ACT, AND AN AMENDMENT TO THE TRUTH IN LENDING ACT. THE FORMER SETS FORTH PROVISIONS GOVERNING ELECTRONIC FUNDS TRANSFER AGREEMENTS AND TRANSACTIONS. (ELECTRONIC FUNDS TRANSFER REFERS TO THE SUBSTITUTION OF A DATA TRANSACTION FOR A WRITTEN INSTRUMENT IN THE TRANSFER OF FUNDS FROM ONE ACCOUNT TO ANOTHER, SUCH AS FROM A CONSUMER'S ACCOUNT TO A RETAILER'S ACCOUNT.) THESE PROVISIONS COVER, AMONG OTHER THINGS, ERROR CORRECTION PROCEDURES AND LIABILITY FOR LOSSES TO A CONSUMER'S ACCOUNT RESULTING FROM AN UNAUTHORIZED TRANSFER OF FUNDS. THE TRUTH IN LENDING ACT AMENDMENT PLACES RESTRICTIONS ON CREDIT CARD ISSUANCE AND BILLING PRACTICES, PROHIBITING SUCH THINGS AS THE IMPOSITION OF ANNUAL OR PERIODIC FEES ON TOP OF FINANCE CHARGES. TESTIMONY REGARDING THIS LEGISLATION IS PRESENTED BY REPRESENTATIVES OF CONSUMER GROUPS, GOVERNMENT OFFICIALS (INCLUDING THE SPECIAL ASSISTANT TO THE PRESIDENT FOR CONSUMER AFFAIRS), LAWYERS, AND REPRESENTATIVES OF THE CREDIT CARD INDUSTRY. PREPARED STATEMENTS AND SUPPORTING DOCUMENTATION ACCOMPANY THE TRANSCRIPT. FOR PARTS II-V, WHICH CONTAIN THE REMAINDER OF THE TESTIMONY PLUS DOCUMENTS SUBMITTED TO THE SUBCOMMITTEE IN CONNECTION WITH THE HEARINGS, SEE NCJ 55912-55915.

132. **US CONGRESS JOINT ECONOMIC COMMITTEE, WASHINGTON DC 20510. ABUSES OF CORPORATE POWER—HEARINGS BEFORE THE US CONGRESS SUBCOMMITTEE ON PRIORITIES AND ECONOMY IN GOVERNMENT, 94TH CONGRESS, 1ST & 2ND SESSIONS, JANUARY 14 AND 15, MARCH 2 AND 5, 1976.** 203 p. 1976. **NCJ-46130**

THE ABUSES AND MISBEHAVIOR OF CORPORATIONS ARE DISCUSSED AS THEY RELATE TO SUCH CORPORATE CRIMES AS BRIBERY, KICKBACKS, ILLEGAL CAMPAIGN CONTRIBUTIONS, AND OTHER IMPROPER USES OF CORPORATE FUNDS. THE HEARINGS CONCENTRATED ON CASES WHERE CORPORATIONS HAVE WRONGFULLY USED THEIR FUNDS AS A MATTER OF POLICY, WITH THE APPROVAL AND ACTIVE PARTICIPATION OF TOP CORPORATE MANAGEMENT. AS MANY AS 50 MAJOR CORPORATIONS HAVE BEEN SUED OR ARE UNDER INVESTIGATION BY THE SECURITIES AND EXCHANGE COMMISSION OR HAVE VOLUNTARILY ADMITTED INVOLVEMENT IN ILLEGAL OR IMPROPER PAYMENTS. SOME OF THE ILLEGAL PRACTICES DISCUSSED WERE: BONUSES TO SELECTED CORPORATE EMPLOYEES WHICH WERE REBATED FOR USE IN MAKING ILLEGAL DOMESTIC POLITICAL CONTRIBUTIONS; USE OF AN OFFSHORE CORPORATE SUBSIDIARY AS COVER FOR A REVOLVING CASH FUND FOR DISTRIBUTING DIVERTED CORPORATE FUNDS FOR BOTH DOMESTIC AND FOREIGN POLITICAL ACTIVITIES; ANONYMOUS FOREIGN BEARER STOCK CORPORATIONS USED AS DEPOSITORIES FOR SECRET ILLEGAL KICKBACKS; PAYMENTS TO FOREIGN CONSULTANTS WHICH WERE USED FOR ILLEGAL DOMESTIC POLITICAL CONTRIBUTIONS AND COMMERCIAL BRIBERY; MILLIONS OF DOLLARS PAID TO CONSULTANTS ALLEGEDLY USED TO BRIBE FOREIGN GOVERNMENT OFFICIALS IN ORDER TO PROCURE BUSINESS. IN RESPONSE TO A LETTER FROM THE SUBCOMMITTEE, THE GENERAL ACCOUNTING OFFICE (GAO) CONDUCTED A STUDY ON SUBCONTRACTING KICKBACKS AND PRICING SUBCONTRACTS UNDER $100,000. GAO RECOMMENDED THAT THE SECRETARY OF DEFENSE DIRECT PROCUREMENT TEAMS TO GIVE GREATER ATTENTION TO DETERMINING WHETHER CONTRACTORS ARE CONDUCTING ADEQUATE PRICE-COST ANALYSIS FOR PROCUREMENTS UNDER $100,000. THE STATE DEPARTMENT PROPOSED TWO NEW ACTIONS FOR DEALING WITH INTERNATIONAL BRIBERY PROBLEMS: A MULTILATERAL AGREEMENT TO BE NEGOTIATED WITHIN THE UNITED NATIONS SYSTEM TO HELP DETER AND PUNISH SUCH ACTIVITIES BY ENTERPRISES, AGENTS, AND GOVERNMENT OFFICIALS; AND A FRAMEWORK FOR BILATERAL COOPERATION WITH FOREIGN LAW ENFORCEMENT AGENCIES WITH WHICH ARRANGEMENTS CAN BE MADE FOR THE EXCHANGE OF EVIDENCE. INCLUDED IN THE APPENDIX IS A LETTER CONCERNING THE STATE DEPARTMENT'S ROLE IN THE MATTER OF AGENTS' FEES IN SAUDI ARABIA AND A LETTER REGARDING A CLAIM AGAINST THE REPUBLIC OF HAITI BECAUSE OF BREACH OF CONTRACT.

Availability: NCJRS MICROFICHE PROGRAM.

133. **US CONGRESS SENATE SUBCOMMITTE ON ANTITRUST AND MONOPOLY, WASHINGTON DC 20510. FAIR AND EFFECTIVE ENFORCEMENT OF THE ANTITRUST LAWS S 1874-HEARINGS BEFORE THE SUBCOMMITTEE ON ANTITRUST AND MONOPOLY.** 310 p. 1977. **NCJ-49751**

A TRANSCRIPT IS PROVIDED OF SENATE HEARINGS ON A BILL WHICH WILL ALLOW CONSUMERS TO RECOVER DAMAGES INCURRED AS A RESULT OF ANTITRUST VIOLATIONS. SENATE BILL 1874 IS DESIGNED TO REINFORCE EXISTING ANTITRUST LEGISLATION BY ALLOWING CONSUMERS DIRECTLY AFFECTED BY A PRICE FIXING SCHEME OR OTHER ANTITRUST VIOLATIONS TO RECOVER THREE-FOLD THE AMOUNT OF THE ORIGINAL DAMAGES. JUDGES, ATTORNEYS GENERAL, STATE GOVERNORS, UNIVERSITY PROFESSORS, RANCHERS, AND LAWYERS REPRESENTING GROCERY MANUFACTURERS, CHAMBERS OF COMMERCE, AND COMMERCIAL ASSOCIATIONS SUBMITTED TESTIMONY ON A VARIETY OF CONSIDERATIONS IN THE BILL, INCLUDING: RETROACTIVITY, THE MULTIPLICITY OF SUITS PROBLEM, DAMAGES DETERMINATION, RESTRICTIONS ON MIDDLEMAN SUITS, THE IMPORTANCE OF PRIVATE PLAINTIFFS' SUITS, THE ALLOCATION OF DAMAGES, THE IMPACT ON RANCHERS, ALTERNATIVES TO THE BILL, THE SHIFT IN RESPONSIBILITY FROM THE COURTS TO THE FEDERAL TRADE COMMISSION, THE NEED FOR FURTHER STUDY, PROBLEMS IN THE LANGUAGE OF THE BILL, SUPPORT BY THE 50 STATES ATTORNEYS GENERAL, THE STATES' ROLE, THE BILL'S EFFECT ON PENDING CASES, CONSTITUTIONAL PROBLEMS, REPUBLICAN PROPOSALS TO LIMIT THE BILL TO PRICE FIXING, AND PROBLEMS WITH PRIVATE CLASS ACTION LAWSUITS. CORRESPONDENCE, SUPPLEMENTS TO TESTIMONY, AND THE TEXT OF A SUPREME COURT RULING ON AN ANTITRUST TREBLE-DAMAGE ACTION ARE APPENDED, ALONG WITH TABULAR AND GRAPHIC DATA AND A COPY OF THE BILL.

Availability: NCJRS MICROFICHE PROGRAM.

134. **US POSTAL SERVICE, 475 L'ENFANT PLAZA WEST, SW, WASHINGTON DC 20260. MAIL FRAUD LAWS—PROTECTING CONSUMERS, INVESTORS, BUSINESSMEN, PATIENTS, STUDENTS.** 29 p. 1971. **NCJ-13353**

AN ALERT TO CONSUMERS, UNWARY VICTIMS, AND THOSE OTHERWISE SUSCEPTIBLE TO CONSUMER, MEDICAL, OR 'BUSINESS OPPORTUNITY' FRAUDS AND SELF-IMPROVEMENT SCHEMES. THIS PUBLICATION, DESIGNED TO WARN CITIZENS AGAINST PLOYS TO ILLEGALLY OR UNETHICALLY TAKE THEIR MONEY, OFFERS NUMEROUS

EXAMPLES OF SCHEMES THAT HAVE BEEN USED IN THE PAST TO DEFRAUD. OVER FIFTY EXAMPLES ARE GIVEN, INCLUDING CHAIN LETTERS, HOME IMPROVEMENTS, CHARITY RACKETS, FAKE LAB TESTS, AND CREDIT CARD FRAUDS.

Availability: GPO.

135. **US POSTAL SERVICE, 475 L'ENFANT PLAZA WEST, SW, WASHINGTON DC 20260. POSTAL INSPECTION SERVICE—LAW ENFORCEMENT REPORT, APRIL-JUNE 1977.** 15 p. 1977. **NCJ-43364**

THE LAW ENFORCEMENT REPORT PRESENTS INFORMATION ON POSTAL CRIMES. STATE REPORTS, LISTED ALPHABETICALLY, ARE REPRESENTATIVE OF A VARIETY OF CRIMINAL INVESTIGATIONS CARRIED OUT BY THE POSTAL INSPECTION SERVICE. INCLUDED IN THE LIST ARE CUSTOMER-RELATED MAIL FRAUD ACTIONS, POST OFFICE BURGLARIES, HOLDUPS, MAIL THEFTS, BOMB MAILINGS, MAIL ORDER PORNOGRAPHY, AND OTHER OFFENSES. THE REPORT ALSO DEFINES AND ILLUSTRATES THE TERM 'EXTERNAL MAIL THEFT.'

Availability: NCJRS MICROFICHE PROGRAM.

136. **VIRGINIA LAW REVIEW ASSOCIATION UNIVERSITY OF VIRGINIA SCHOOL OF LAW, CHARLOTTESVILLE VA 22901. ANTITRUST LIABILITY FOR AN EXCHANGE OF PRICE INFORMATION—WHAT HAPPENED TO CONTAINER CORPORATION?** *VIRGINIA LAW REVIEW,* V 63, N 4 (MAY 1977), P 639-668. **NCJ-47413**

THE CONTAINER CORPORATION CASE IS AN IMPORTANT DECISION FOR LIMITING OLIGOPOLISTIC PRICING, WHICH HAS BEEN WEAKENED BY LOWER COURTS' MISINTERPRETATION AND MISAPPLICATION OF ITS BASIC ECONOMIC THEORY. BEFORE 1969, A SERIES OF COURT DECISIONS ATTACKED MONOPOLISTIC PRICE-FIXING BY TRADE ASSOCIATIONS, FORMAL EXCHANGES THROUGH NEWSLETTERS, AND FORMAL EXCHANGES AMONG LARGER MANUFACTURERS. HOWEVER, INFORMAL EXCHANGES WERE EXEMPT. IN UNITED STATES V. CONTAINER CORPORATION (1969), THE SUPREME COURT USED ECONOMIC THEORY TO DEPART FROM EXISTING DOCTRINE AND USED SECTION 1 OF THE SHERMAN ACT TO INVALIDATE AN EXCHANGE OF PRICE INFORMATION AMONG SELLERS IN AN OLIGOPOLISTIC MARKET. THIS CASE HELD THAT FORMAL EXCHANGE WAS UNNECESSARY. THE PRACTICE OF INFORMAL PHONE CALLS AMONG DEALERS AND DISTRIBUTORS WAS SUFFICIENT TO DENY FAIR COMPETITION WHEN A FEW MANUFACTURERS CONTROLLED THE MARKET. SUBSEQUENT CASES HAVE EXHIBITED CONFUSION ABOUT CONTAINER CORPORATION. ATTEMPTS TO FIT THE CONTAINER CASE INTO A PER SE RULE OF LIABILITY OR REASON HAVE IGNORED THE ECONOMIC THEORY WHICH WAS THE BASIS OF THE DECISION. AS A RESULT, AN IMPORTANT TOOL HAS BEEN IGNORED WHICH COULD NOT ONLY LIMIT OLIGOPOLISTIC PRICING, BUT ALSO COULD REVISE TRADE ASSOCIATION LAW TO ALLOW FOR GREATER EXCHANGES OF INFORMATION WHEN ECONOMIC EFFICIENCY IS ENHANCED IN COMPETITIVE MARKETS. IT IS SUGGESTED THAT COURTS BECOME MORE FAMILIAR WITH ECONOMIC THEORY. THEN, THE POTENTIAL OF THE CONTAINER CORPORATION CASE WILL BECOME APPARENT. NOTES ARE PROVIDED.

137. **A. WOLF. AMERICAN CONSUMERS—IS THEIR ANGER JUSTIFIED?** 126 p. 1977. **NCJ-40760**

CONTAINING EXCERPTS OF ARTICLES, ILLUSTRATIONS, AND A NUMBER OF STUDY QUESTIONS, THIS TEXTBOOK PROVIDES THE STUDENT WITH AN UNDERSTANDING OF THE DEVELOPMENT AND ISSUES INVOLVED IN AMERICAN CONSUMERISM. AFTER A SHORT INTRODUCTORY CHAPTER, A BRIEF HISTORICAL AND CONTEMPORARY BACKGROUND OF THE CONSUMER RIGHTS ISSUE IS PRESENTED. A NUMBER OF CHAPTERS EXPLORING THESE ISSUES IN DETAIL ARE THEN PROVIDED. A VARIETY OF POSITIONS ARE PRESENTED THROUGH CARTOONS, ILLUSTRATIONS, ARTICLES, AND EXCERPTS FROM OTHER TEXTS. OPEN-ENDED QUESTIONS FOR THE STUDENT ARE ALSO PROVIDED. THE TEXT INCLUDES AN OVERVIEW OF THE MANY AREAS OF CONSUMER FRAUD, INFORMATION ON SOME OF THE WELL-KNOWN AMERICAN CONSUMER ADVOCATES, A DESCRIPTION OF SEVERAL CONSUMER ADVOCATE ACTIVITIES, AND AN EXAMINATION OF BUSINESS' REACTIONS TO THIS TREND.

Supplemental Notes: INQUIRY INTO CRUCIAL AMERICAN PROBLEMS SERIES.

Availability: PRENTICE-HALL, ENGLEWOOD CLIFFS NJ 07632.

138. **G. J. ZWEIBEL. FEDERAL LAW ON CONSUMER DECEPTION—AN AGENCY BY AGENCY ANALYSIS.** AMERICAN INSTITUTES FOR RESEARCH, 1055 THOMAS JEFFERSON STREET, NW, WASHINGTON DC 20007; NATIONAL CONSUMER LAW CENTER, 11 BEACON STREET, BOSTON MA 02108. 261 p. 1979. **NCJ-58132**

CONSUMER DECEPTION STATUTES AND REGULATIONS ADMINISTERED BY FEDERAL GOVERNMENT AGENCIES ARE ANALYZED IN THIS REPORT. IT IS A REFERENCE TOOL AND PROVIDES DETAILED CITATIONS TO AUTHORITY RESPONSIBLE FOR EACH LAW. THIRTY FEDERAL AGENCIES ARE INCLUDED IN THE REPORT; AN ADDITIONAL CHAPTER CONTAINS MISCELLANEOUS FEDERAL PROHIBITIONS NOT ASSOCIATED WITH PARTICULAR AGENCIES AND THE APPENDIX SUMMARIZES THE CONSUMER PROTECTION RESPONSIBILITIES OF AN ADDITIONAL NINE FEDERAL AGENCIES. THE MATERIAL IS ORGANIZED BY AGENCY, AND STATUTES ENFORCED BY MORE THAN ONE AGENCY ARE CROSS-REFERENCED TO THE AGENCY MOST ASSOCIATED WITH THE SPECIFIC LAW OR LISTED UNDER EACH AGENCY. EACH CHAPTER INCLUDES A BRIEF DESCRIPTION OF THE AGENCY (E.G., DEPARTMENT OF AGRICULTURE, CIVIL AERONAUTICS BOARD, CONSUMER PRODUCT SAFETY COMMISSION, DEPARTMENTS OF DEFENSE, ENERGY, AND HOUSING AND URBAN DEVELOPMENT, AND THE NATIONAL CREDIT UNION ADMINISTRATION), THE YEAR IT COMMENCED OPERATION, AND A SUMMARY OF PROHIBITED TRADE PRACTICES AND AVAILABLE REMEDIES ASSOCIATED WITH THAT AGENCY. A DETAILED LISTING OF ALL DECEPTIVE TRADE PRACTICES PROHIBITED BY EACH AGENCY'S ENABLING LEGISLATION, REGULATIONS, OR OTHER SOURCES OF LEGAL AUTHORITY ARE ALSO PRESENTED. REMEDIES ARE CATEGORIZED AS ADMINISTRATIVE, CIVIL, CRIMINAL, PRIVATE, AND OTHER. THE INDEX IS ARRANGED ALPHABETICALLY BY SUBJECT AREA, ALLOWING ACCESS TO SPECIFIC SECTIONS OF INDIVIDUAL AGENCY CHAPTERS. FOOTNOTES ARE PROVIDED. (AUTHOR ABSTRACT MODIFIED)

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: GPO Stock Order No. 027-000-00825-9; NCJRS MICROFICHE PROGRAM.

ORGANIZED CRIME INVOLVEMENT

139. **A. G. ANDERSON. BUSINESS OF ORGANIZED CRIME.** HOOVER INSTITUTION PRESS, STANFORD UNIVERSITY, STANFORD CA 94305. 179 p. 1979. **NCJ-55879**
THE SCOPE OF A MAFIA FAMILY'S ILLEGAL ENTERPRISES AND LEGITIMATE BUSINESS INTERESTS ARE DETAILED IN THIS CASE STUDY OF AN ITALIAN ORGANIZED CRIME GROUP OF ABOUT 75 MEN, 1 OF 24 GROUPS HELD TO BE THE CORE OF COSA NOSTRA. FOCUSING ON THE BENGUERRA FAMILY (A PSEUDONYM), THE NARRATIVE OUTLINES THE LOOSE ORGANIZATIONAL INTERACTION BETWEEN THE MAJOR ORGANIZED CRIME FAMILIES, DETAILS THE ADMINISTRATIVE STRUCTURE OF THE BENGUERRAS AND DISCUSSES THE FAMILY'S ILLICIT ACTIVITIES, THE NATURE OF AND MOTIVATION FOR CAPITAL DIVESTMENTS INTO THE LEGITIMATE BUSINESS COMMUNITY, AND THE ROLE PLAYED BY CRIMINAL 'SKILLS' IN THE PURSUIT OF THE LEGAL ENTERPRISE. THE BENGUERRA FAMILY EPITOMIZES THE HIERARCHICAL ORGANIZATIONAL STRUCTURE DESCRIBED AS CHARACTERISTIC OF ITALIAN ORGANIZED CRIME GROUPS, ALTHOUGH ITS FORMAL ORGANIZATIONAL STRUCTURE IS NOT THE SAME AS ITS ECONOMIC STRUCTURE THE GROUP IS NOT A FIRM; THAT IS, A BUSINESS ENTERPRISE OWNED AND CONTROLLED AS A UNIT. INSTEAD, THE GROUP HAS WITHIN IT SEVERAL FIRMS INVOLVED IN NUMBERS GAMBLING AND LOANSHARKING; SOME OF THE MEMBERS WHO DO NOT HOLD POSITIONS IN THE FORMAL HIERARCHY HAVE LARGER ILLEGAL MARKET BUSINESSES THAN THOSE WHO DO. THE FORMAL STRUCTURE INCLUDES THE FOLLOWING POSITIONS: BOSS, UNDERBOSS, COUNSELOR, TREASURER, AND 10 'CAPOS' (HEADS OF GROUPS). UNDER THE CAPOS ARE THE LOWEST RANKING MEMBERS. NUMBERS GAMBLING IS THE FAVORITE ILLICIT ENTERPRISE OF THE GROUP, FOLLOWED BY LOANSHARKING. A MAJORITY OF THE FAMILY MEMBERS ALSO MAINTAIN LEGITIMATE INTERESTS IN EATING AND DRINKING PLACES, OTHER RETAIL TRADES AND SERVICES, THE MANUFACTURING AND WHOLESALING OF FOOD AND KINDRED PRODUCTS, CONSTRUCTION AND BUILDING SERVICES, VENDING MACHINES AND RELATED BUSINESSES, CASINOS, PROPERTY, STOCKS AND BONDS, INVESTMENTS IN MIAMI, FLA., AND FINANCE, INSURANCE, AND REAL ESTATE INTERESTS. MEMBERS OF THE GROUP ENTER INTO LEGITIMATE BUSINESS AS THEY PLEASE AND RARELY USE VIOLENCE IN THE CONDUCT OF LICIT ENTERPRISE. HOWEVER, NONVIOLENT CRIMINAL MEANS DO COME INTO PLAY, INCLUDING THE CORRUPTION OF OFFICIALS AND THE LAUNDERING OF ILLEGAL FUNDS THROUGH LEGAL FRONTS. TABULAR DATA ARE PROVIDED, ALONG WITH A BIBLIOGRAPHY AND INDEX.
Availability: HOOVER INSTITUTION PRESS, STANFORD UNIVERSITY, STANFORD CA 94305.

140. **A. BEQUAI. ORGANIZED CRIME—THE FIFTH ESTATE.** HEATH LEXINGTON BOOKS, 125 SPRING STREET, LEXINGTON MA 02173. 267 p. 1979. **NCJ-57091**
THE HISTORY AND STATUS OF ORGANIZED CRIME IN THE UNITED STATES ARE EXAMINED, AND NEW APPROACHES FOR POLICE, PROSECUTORS, AND PRISONS ARE SUGGESTED. ORGANIZED CRIME IS DEFINED AND ITS ORIGINS AND DEVELOPMENT, PARTICULARLY IN THE UNITED STATES, ARE TRACED. SEPARATE CHAPTERS TREAT THE SYNDICATE'S INVOLVEMENT IN LABOR RACKETEERING, CARGO THEFT, FENCING, GAMBLING, LOANSHARKING, THE DRUG TRADE, POLITICAL CORRUPTION, ILLEGAL TRADE IN ALIENS, WHITE-COLLAR CRIME, AND COMPUTER CRIME. SPECIAL ATTENTION IS DIRECTED TO THE DRUG TRADE AND EFFORTS TO COMBAT IT. THE U.S. LEGAL SYSTEM'S ATTEMPTS TO COMBAT ORGANIZED CRIME ARE REVIEWED, AND NEW POLICE TOOLS, PROSECUTORIAL APPROACHES, AND PENAL MODELS ARE SUGGESTED. ORGANIZED CRIME IS VIEWED AS A LOOSE CONFEDERATION OF ETHNIC AND REGIONAL GROUPS, BOUND BY THE ECONOMIC AND POLITICAL NECESSITIES OF THE UNDERWORLD. ONCE A PAWN OF LOCAL POLITICAL MACHINES, ORGANIZED CRIME HAS BECOME A POWER IN ITS OWN RIGHT, CONTROLLING MULTIBILLION-DOLLAR BUSINESSES AND ELECTING AGENTS TO CONGRESS. IT HAS BECOME A DE FACTO GOVERNMENT--A FIFTH ESTATE. SPECIALIZED POLICE INVESTIGATORY UNITS, HIGHLY MOTIVATED PROSECUTORS, AND PENAL REFORMS COULD MAKE A DIFFERENCE IN THE WAR AGAINST ORGANIZED CRIME. BUT AS LONG AS CORRUPTION FLOURISHES AMONG POLITICIANS AND IN SOCIETY AS A WHOLE, ORGANIZED CRIME WILL SURVIVE AND GROW. A BIBLIOGRAPHY AND AN INDEX ARE PROVIDED.
Availability: HEATH LEXINGTON BOOKS, 125 SPRING STREET, LEXINGTON MA 02173.

141. **M. K. BERS. PENETRATION OF LEGITIMATE BUSINESS BY ORGANIZED CRIME, AN ANALYSIS.** US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531. 69 p. 1970. **NCJ-02300**
SURVEY OF LEGITIMATE BUSINESS ACTIVITES OF SELECTED MEMBERS OF ORGANIZED CRIMINAL-GROUPS IN NEW YORK

STATE AND AN ANALYSIS OF THEIR PENETRATION INTO BUSINESS. TARGET POPULATION OF 200 INDIVIDUALS IDENTIFIED AS PRINCIPALS AND ASSOCIATES OF MAJOR CRIME FAMILIES WAS SELECTED FOR STUDY. THE OBJECTIVE WAS TO DESCRIBE AND ASSESS THE CHARACTER AND MAGNITUDE OF THEIR INFILTRATION INTO PRIVATE ECONOMY, WITH SPECIAL ATTENTION TO THEIR GROWTH PROSPECTS AND HENCE TO THEIR ULTIMATE ECONOMIC AND SOCIAL IMPACT.

Supplemental Notes: PREPARED FOR NEW YORK STATE IDENTIFICATION AND INTELLIGENCE SYSTEM.

Availability: NTIS Accession No. PB 222 564 (Microfiche); NCJRS MICROFICHE PROGRAM.

142. **CHAMBER OF COMMERCE OF THE UNITED STATES, 1615 H STREET, NW, WASHINGTON DC 20006. DESKBOOK ON ORGANIZED CRIME. REV. ED.** 84 p. 1972. **NCJ-10577**

CHALLENGE OF ORGANIZED CRIME TO THE BUSINESS COMMUNITY, AND THREATS WHICH MUST BE ANTICIPATED BY BUSINESSMEN. ORGANIZED CRIME IS AN EXISTING THREAT TO THE BUSINESS COMMUNITY. THE DESKBOOK ON ORGANIZED CRIME COMMENCES WITH A DESCRIPTION OF THE SEVERITY OF THIS CHALLENGE AND FOLLOWS WITH MAJOR ORGANIZED CRIME POINTS OF PENETRATION THAT MUST BE ANTICIPATED BY BUSINESSMEN. ALSO NOTED ARE SYMPTOMS THAT WILL WARN AN ALERT MANAGER TO PENDING TROUBLE, AND PHONE NUMBERS OF AGENCIES WHICH COULD BE EXPECTED TO ASSIST FIRMS BEING PLAGUED BY ORGANIZED CRIME. THE FINAL SECTION OF THIS PAMPHLET OFFERS A PLAN OF ACTION THAT WILL MINIMIZE EXPOSURE TO THESE THREATS IN ADDITION TO A BLUEPRINT FOR COUNTERATTACK. (AUTHOR ABSTRACT MODIFIED)

Availability: CHAMBER OF COMMERCE OF THE UNITED STATES, 1615 H STREET, NW, WASHINGTON DC 20006.

143. **B. R. CIVILETTI. STATEMENT OF BENJAMIN R CIVILETTI, ACTING DEPUTY ATTORNEY GENERAL, US DEPARTMENT OF JUSTICE, BEFORE THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, APRIL 24, 1978.** US DEPARTMENT OF JUSTICE. 18 p. 1978. **NCJ-46897**

THE MAGNITUDE OF ORGANIZED CRIME'S INVOLVEMENT IN LABOR-MANAGEMENT RACKETEERING AND THE REQUIREMENTS OF AN EFFECTIVE PROGRAM TO COMBAT THIS PROBLEM ARE DISCUSSED. THE ATTORNEY GENERAL HAS PUBLICLY IDENTIFIED LABOR-MANAGEMENT RACKETEERING AS A PRIORITY AREA FOR STRIKE FORCE INVESTIGATIONS BECAUSE OF ITS SERIOUSNESS NATIONWIDE. THE KINDS OF CRIMINAL ACTIVITY INCLUDED INVOLVE 'NO-SHOW' OR GHOST EMPLOYEES WHO ARE OFTEN ORGANIZED CRIME MEMBERS, KICKBACKS TO TRUSTEES OF PENSION FUNDS IN RETURN FOR BAD INVESTMENT LOANS, PAYOFFS TO UNION OFFICIALS BY EMPLOYERS, EMBEZZLEMENTS FROM UNION TREASURIES, AND CORRUPT BUSINESSMEN WHO CONSPIRE WITH CORRUPT UNION OFFICIALS TO DEPRIVE WORKERS OF THEIR JUST WAGES. SUCCESSFUL PROSECUTIONS OF 11 CASES INVOLVING MANAGEMENT-LABOR RACKETEERING ARE PRESENTED TO ILLUSTRATE THE EXTENT AND SERIOUSNESS OF THE PROBLEM. MANY OF THESE RESULTED IN MULTIPLE CHARGES AGAINST TOP UNION MEMBERS OFTEN COVERING WIDE REGIONS OF THE UNITED STATES. THE STRIKE FORCE PROGRAM INVOLVES COOPERATION BETWEEN DEPARTMENT OF JUSTICE ATTORNEYS AND INVESTIGATIVE PERSONNEL FROM 13 FEDERAL AGENCIES CHARGED WITH CONDUCTING CRIMINAL INVESTIGATIONS. THESE INCLUDE THE OFFICE OF LABOR-MANAGEMENT STANDARDS ENFORCEMENT AND THE DEPARTMENT OF LABOR. HOWEVER, FOR A NUMBER OF REASONS, MANPOWER SUPPLIED BY THE DEPARTMENT OF LABOR HAS BEEN BELOW THAT PROMISED. EFFORTS ARE BEING STEPPED UP TO INCREASE DEPARTMENT OF LABOR PERSONNEL ON THE STRIKE FORCE. THE LACK OF INVESTIGATIVE PERSONNEL FROM THE DEPARTMENT OF LABOR HAS BEEN A SERIOUS HANDICAP WHICH HAS NOT BEEN OVERCOME, EVEN BY FEDERAL BUREAU OF INVESTIGATION (FBI) ASSISTANCE. IN ADDITION, THE FBI HAS NEITHER THE AUTHORITY NOR THE RESOURCES TO TAKE OVER THE ENTIRE LABOR INVESTIGATIVE BURDEN. ALTHOUGH ORIGINALLY THE DEPARTMENT OF LABOR PLANNED TO LIMIT ITS STRIKE FORCE PARTICIPATION FOR FISCAL YEAR 1979 TO ONLY 15 LIAISON OFFICERS AND CONCENTRATE ON CIVIL INVESTIGATIONS UNDER THE EMPLOYEES RETIREMENT AND INCOME SECURITY ACT, A SERIES OF INTERDEPARTMENTAL MEETINGS HAS LED TO THE ESTABLISHMENT OF THE OFFICE OF SPECIAL INVESTIGATIONS WITHIN THE DEPARTMENT OF LABOR, WHICH WILL BE RESPONSIBLE FOR DEPARTMENT PARTICIPATION IN THE ORGANIZED CRIME PROGRAM. WHILE A NUMBER OF MANPOWER PROBLEMS STILL REMAIN UNRESOLVED, IT IS HOPED THAT BY FISCAL YEAR 1980 THERE WILL BE SUFFICIENT DEPARTMENT OF LABOR MANPOWER IN THE STRIKE FORCES TO CARRY OUT THE AMBITIOUS PROPOSED INVESTIGATIVE PLAN AGAINST LABOR-MANAGEMENT RACKETEERING.

Availability: NCJRS MICROFICHE PROGRAM.

144. **T. CLARKE and J. J. TIGUE JR. DIRTY MONEY—SWISS BANKS, THE MAFIA, MONEY LAUNDERING, AND WHITE COLLAR CRIME.** 216 p. 1975. **NCJ-19182**

STORY-FILLED DESCRIPTION OF HOW ILLEGALLY GAINED MONEY OR MONEY INTENDED FOR ILLEGAL PURPOSES IS HIDDEN IN SECRET ACCOUNTS, HAS ITS REAL ORIGIN OBSCURED, AND IS RE-CIRCULATED. THIS GUIDEBOOK TO SWISS AND TAX HAVEN BANKS, MONEY WASHING, AND FINANCIAL CRIME DESCRIBES IN DETAIL SEVERAL DIRTY MONEY SCHEMES AND TECHNIQUES THAT HAVE BEEN INVESTIGATED AND DISCOVERED. THE AUTHORS OF THIS BOOK ARE FORMER EMPLOYEES OF THE UNITED STATES ATTORNEY'S OFFICE.

Availability: SIMON AND SCHUSTER, 1230 AVENUE OF THE AMERICAS, NEW YORK NY 10020.

145. **E. J. DE FRANCO. ANATOMY OF A SCAM—A CASE STUDY OF A PLANNED BANKRUPTCY BY ORGANIZED CRIME.** US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION. 81 p. 1973. **NCJ-11213**

OBTAINING CONTROL OF A LEGITIMATE BUSINESS AND DRIVING IT INTO BANKRUPTCY IS KNOWN AS ONE VARIATION OF THE SCAM. THE AMOUNT OF AUTHORITATIVE MATERIAL AVAILABLE FOR SOCIAL SCIENCE RESEARCH ON ORGANIZED CRIMINAL ACTIVITIES IS LIMITED. ONE SOURCE WHICH IS AVAILABLE AND USED AS THE BASIS FOR THIS CASE STUDY IS COURT TESTIMONY—BOTH CRIMINAL AND CIVIL—OF CASES INVOLVING ORGANIZED CRIME PRINCIPALS. THIS IS THE STORY OF THE INFILTRATION AND PLANNED BANKRUPTCY OF A LEGITIMATE NEW YORK PACKING COMPANY BY ORGANIZED CRIME AND THE ENSUING NINE YEARS OF LITIGATION DURING WHICH THE GOVERNMENT AND CREDITORS SORTED OUT THE RESULTING CRIMINAL AND CIVIL LIABILITIES. THIS KIND OF INFILTRATION AND DESTRUCTION OF A BONA FIDE BUSINESS IS KNOWN AS A 'SCAM'. ALL SCAM OPERATIONS INVOLVE THE PURCHASE OF MERCHANDISE ON AS LARGE A SCALE AS POSSIBLE THROUGH THE USE OF CREDIT NOW RELATIVELY EASY TO OBTAIN. THE MERCHANDISE IS TURNED INTO CASH WHICH IS THEN MILKED FROM THE BUSINESS. AFTER THE BUSINESS HAS BEEN THUS MILKED, THE COMPANY IS FORCED INTO INVOLUNTARY BANKRUPTCY BY ITS CREDITORS, WHICH, OF COURSE, WAS THE ORIGINAL INTENT OF THE SCAM OPERATORS. SCAM OPERATIONS ARE POPULAR IN INDUSTRIES WITH MERCHANDISE HAVING A HIGH TURNOVER POTENTIAL, READILY TRANSPORTABLE, AND DIFFICULT TO TRACE. THIS CASE STUDY, WITH ITS EXCERPTS FROM TRIAL

TESTIMONY AND JUDICIAL OPINIONS, WILL SERVE AS A VALUABLE TRAINING RESOURCE FOR THE STUDENT, BUSINESSMAN AND LAW ENFORCEMENT OFFICER. (AUTHOR ABSTRACT MODIFIED)

Availability: GPO Stock Order No. 027-000-00230-7; NCJRS MICROFICHE PROGRAM.

146. **J. A. GARDINER. POLITICS OF CORRUPTION—ORGANIZED CRIME IN AN AMERICAN CITY.** 129 p. 1970. **NCJ-02421**

CONDITIONS THAT MADE IT POSSIBLE FOR A LOCAL SYNDICATE TO TAKE OVER AN EASTERN INDUSTRIAL CITY, HERE CALLED WINCANTON, AND CONTROL IT OFF AND ON FOR 40 YEARS. A WEAK, FRAGMENTED POLITICAL SYSTEM WITH A MODIFIED COMMISSION FORM OF GOVERNMENT, LIMITED STATE SUPERVISION OF CITY AFFAIRS, MIGRATION OF THE MIDDLE CLASS TO THE SUBURBS AND ITS WITHDRAWAL FROM PUBLIC LIFE, ETHNIC VOTING, LOW TAXES, LOW RATES OF PUBLIC EXPENDITURE AND CITIZENS' LACK OF COMPREHENSION OF THE LINKS BETWEEN PETTY GAMBLING AND THE SYNDICATE'S POWER TO CORRUPT, ARE SOME FACTORS THAT BROUGHT WINCANTON TO ITS PRESENT POSITION. (AUTHOR ABSTRACT)

Availability: RUSSELL SAGE FOUNDATION, 230 PARK AVENUE, NEW YORK NY 10017.

147. **C. GRUTZNER. HOW TO LOCK OUT THE MAFIA (FROM CRIME SOCIETY—ORGANIZED CRIME AND CORRUPTION IN AMERICA, 1976, BY F A J IANNI AND E REUSS-IANNI—SEE NCJ-38622).** NEW AMERICAN LIBRARY, 1301 AVENUE OF THE AMERICAS, NEW YORK NY 10019. 17 p. 1976. **NCJ-38631**

PRESENTATION OF SEVERAL CASES TO ILLUSTRATE THE DIVERSITY OF TACTICS THE UNDERWORLD USES TO SUCCESSFULLY INFILTRATE THE LEGITIMATE BUSINESS WORLD. FEATURES OF THE MAFIA ORGANIZATION THAT COMPARE WITH LEGITIMATE BUSINESS ACTIVITY ARE CITED: A TOP MANAGEMENT THAT TRIES TO REINVEST ITS ILL-GOTTEN PROFITS TO EARN MORE MONEY; A WELL-DISCIPLINED ORGANIZATION WITH PROFESSIONAL EXPERTISE; AND AN ENTEPRISE WITH SMOOTH NEGOTIATING SKILLS AND SOCIAL CONTACTS. MOST BUSINESSMEN ARE DESCRIBED AS CONSTITUTING THE 'SILENT MAJORITY' WHICH IS SOMETIMES A VICTIM OF CORRUPTION, SOMETIMES A VICTIM OF ITS OWN GREED, BUT WHICH IS ALWAYS CORRUPTED BY ORGANIZED CRIME. BUSINESSMEN ALSO ARE DESCRIBED AS BEING RELUCTANT TO SERVE AS WITNESSES OR TO VOLUNTEER INFORMATION ABOUT INFILTRATIVE ATTEMPTS TO LAW ENFORCEMENT INVESTIGATORS. (AUTHOR ABSTRACT)

148. **M. H. HALLER. ORGANIZED CRIME IN URBAN SOCIETY—CHICAGO (IL) IN THE TWENTIETH CENTURY.** CARNEGIE-MELLON UNIVERSITY DEPARTMENT OF HISTORY, PITTSBURGH PA 15213. *JOURNAL OF SOCIAL HISTORY,* V 5, N 2 (WINTER 1971-1972), P 210-234. **NCJ-58312**

THREE MAJOR, INTERRELATED ASPECTS OF ORGANIZED CRIME'S ROLE IN URBAN SOCIETY ARE EXAMINED: THE SOCIAL WORLD WITHIN WHICH CRIMINALS OPERATE, THE ETHNIC PATTERNS INVOLVED, AND THE ECONOMIC IMPACT OF ORGANIZED CRIME. ALTHOUGH THE ARTICLE FOCUSES ON CHICAGO, ITS HYPOTHESES ARE PROBABLY TRUE FOR OTHER CITIES AS WELL. DURING THE PERIOD OF INTENSIVE IMMIGRANT MOVEMENT INTO CITIES, ORGANIZED CRIME PROVIDED PATHS OF UPWARD MOBILITY FOR MANY YOUTHS RAISED IN ETHNIC SLUMS. OTHER SOCIAL WORLDS OPEN TO THEM INCLUDED URBAN POLITICS, BUSINESS THAT PROSPERED THROUGH POLITICAL FRIENDSHIPS AND CONTACTS, LEADERSHIP IN THE CITY'S LABOR UNIONS, SPORTS, AND ENTERTAINMENT. THESE WORLDS WERE INTERRELATED, AND ORGANIZED CRIME EXERTED GREAT INFLUENCE UPON THEM ALL. THE ETHNIC URBAN ENVIRONMENT HAS A COMMON VALUE SYSTEM THAT INCLUDED THE CONCEPT THAT SOCIETY OPERATES THROUGH A PROCESS OF DEALS, FRIENDSHIP, AND MUTUAL FAVORS. THE BASIC ATTITUDE TOWARD THE LEGAL SYSTEM WAS THAT IT WAS ANOTHER RACKET. FUTHERMORE, MANY OF THE INDIVIDUALS WHO EVENTUALLY SUCCEEDED IN ONE OF THE SOCIAL WORLDS HAD PREVIOUSLY PARTICIPATED IN THE OTHERS. THERE WAS ETHNIC SPECIALIZATION IN THESE URBAN SOCIETIES. THE IRISH DOMINATED LABOR RACKETEERING AND GAMBLING; THE ITALIANS, BOOTLEGGING; THE BLACKS, PROSTITUTION. ORGANIZED CRIME HAD GREAT ECONOMIC IMPACT IN THESE URBAN COMMUNITIES BECAUSE OF THE RELATIVELY GREAT WEALTH OF SUCCESSFUL CRIMINALS AND BECAUSE LARGE NUMBERS OF PERSONS WERE EMPLOYED BY ORGANIZED CRIME OR WERE SUPPLEMENTING THEIR INCOME THROUGH IT. PERSONS WHO WERE SUCCESSFUL THROUGH ORGANIZED CRIME BECAME ETHNIC HEROES AND OFTEN WERE BENEVOLENT TO THOSE COMMUNITIES FROM WHICH THEY HAD SPRUNG. REFERENCES ARE PROVIDED.

149. **J. C. JESTER. ANALYSIS OF ORGANIZED CRIME'S INFILTRATION OF LEGITIMATE BUSINESS.** SAM HOUSTON STATE UNIVERSITY INSTITUTE OF CONTEMPORARY CORRECTIONS AND THE BEHAVIORAL SCIENCES, HUNTSVILLE TX 77340. *CRIMINAL JUSTICE MONOGRAPH,* V 5, N 1 (1974). **NCJ-14953**

THIS STUDY TRACES THE DEVELOPMENT OF ORGANIZED CRIMINAL MOVEMENT INTO THE LEGITIMATE BUSINESS SECTOR, EXAMINING THE ORIGINS AND FUNCTIONAL STRUCTURE OF ORGANIZED CRIMINAL GROUPS. ALSO CONSIDERED ARE THE METHODS EMPLOYED BY THESE GROUPS IN THEIR EFFORTS TO MOVE INTO THE BUSINESS COMMUNITY AND THE CHARACTERISTICS OF THE HOST-BUSINESSES WHICH TEND TO MAKE THIS MOVEMENT POSSIBLE.

Sponsoring Agency: TEXAS CRIMINAL JUSTICE COUNCIL.

150. **S. H. KEUTZER, J. A. SANDERSON, and C. E. MEAR. USE OF STATE REGULATORY ACTION AGAINST CRIMINAL INFILTRATION OF LEGITIMATE BUSINESS.** OREGON DEPARTMENT OF JUSTICE, 100 STATE OFFICE BUILDING, SALEM OR 97310. 21 p. 1975. **NCJ-48852**

RESOURCES AVAILABLE TO LAW ENFORCEMENT AUTHORITIES IN DEALING WITH ORGANIZED CRIMINAL ACTIVITY THROUGH USE OF STATE REGULATORY POWERS IN OREGON ARE REVIEWED AND ILLUSTRATED IN A CASE STUDY. FEATURES DISTINGUISHING ADMINISTRATIVE HEARINGS FROM CRIMINAL PROSECUTIONS ARE DESCRIBED. THE FLEXIBILITY OF THE ADMINISTRATIVE PROCEEDING IN DEALING WITH CRIMINAL INFILTRATION OF A BUSINESS ENTERPRISE IS ILLUSTRATED WITH A CASE STUDY. THE CASE INVOLVED THE OREGON LIQUOR CONTROL COMMISSION'S CANCELLATION OF LIQUOR LICENSES HELD BY A CORPORATION OPERATING A RACE TRACK CONCESSION. THE CORPORATION HAD BEEN FOUND GUILTY OF A FELONY IN FEDERAL COURT. DETAILS OF THE ADMINISTRATIVE PROCEEDINGS IN OREGON ARE PRESENTED, TOGETHER WITH DETAILS OF THE FEDERAL TRIAL AND FELONY CONVICTION UPON WHICH THE STATE PROCEEDINGS WERE BASED. POINTS AND AUTHORITIES THAT WERE IMPORTANT IN THE STATE'S SUCCESSFUL REGULATORY ACTION ARE NOTED. BEFORE UNDERTAKING REGULATORY ACTION DESIGNED TO ELIMINATE CRIMINAL INVOLVEMENT IN LEGITIMATE BUSINESS, STATE AND LOCAL GOVERNMENT AGENCIES ARE ADVISED TO REVIEW THE STATUS OF THEIR OWN ADMINISTRATIVE PROCEDURES ACT, THE PROCESS USED TO ADOPT RULES AND REGULATIONS, LICENSING PROCEDURES, AND STATUTES GOVERNING AGENCY JURISDICTION.

Availability: NCJRS MICROFICHE PROGRAM.

151. **LOAN-SHARK RACKET (FROM CRIME SOCIETY—ORGANIZED CRIME AND CORRUPTION IN AMERICA, 1976, BY F A J IANNI AND E REUSS-IANNI—SEE NCJ-38622).** 27 p. 1976. **NCJ-38629**

THIS NEW YORK STATE COMMISSION ON INVESTIGATION'S REPORT EXPLORES THE NATURE OF THE LOAN SHARKING RACKET, ITS CONNECTION TO ORGANIZED CRIME, AND PROBLEMS IN DEALING EFFECTIVELY WITH IT. DESCRIBED ARE THE ORGANIZATIONAL HIERARCHY THROUGH WHICH CAPITAL IS ALLOCATED TO AN INDIVIDUAL FOR LENDING, THE TERMS OF LOANS AND THE SANCTIONS WHICH ENFORCE THEIR REPAYMENT, AND THE TACTICS USED TO STEER POTENTIAL CUSTOMERS TO LOAN SHARKS. ACCORDING TO THE COMMISSION, LOAN SHARKING IS A LUCRATIVE ENTERPRISE FOR ORGANIZED CRIME SINCE IT PROVIDES AN EXTREMELY PROFITABLE MEANS FOR REINVESTING HUGE AMOUNTS OF CAPITAL. IT IS AN EXCELLENT CAMOUFLAGE FOR CONVERTING ILLEGALLY EARNED PROFITS INTO LEGITIMATE REVENUE, AND IT IS THE PRINCIPAL WAY IN WHICH ORGANIZED CRIME SUCCEEDS IN TAKING OVER LEGITIMATE BUSINESSES. CASE STUDIES ARE OFFERED TO ILLUSTRATE TYPICAL METHODS OF OPERATION IN LOAN SHARKING. (AUTHOR ABSTRACT)

Availability: NEW AMERICAN LIBRARY, 1301 AVENUE OF THE AMERICAS, NEW YORK NY 10019.

152. **M. D. MALTZ. POLICY ISSUES IN ORGANIZED CRIME AND WHITE-COLLAR CRIME (FROM CRIME AND CRIMINAL JUSTICE, 1975, BY J A GARDINER & M A MULKEY—SEE NCJ-37751).** D C HEATH AND COMPANY, 125 SPRING STREET, LEXINGTON MA 02173. 22 p. 1975. **NCJ-37755**

DISCUSSION OF THE PROBLEMS IN DEFINING ORGANIZED CRIME AND WHITE COLLAR CRIME, THE LAWS THAT CREATE THEM, AND THE RELATIONSHIP BETWEEN THEM, ESPECIALLY IN VIEW OF THE PENETRATION OF LEGITIMATE BUSINESS BY ORGANIZED CRIME. ENFORCEMENT PROBLEMS AND STRATEGIES PECULIAR TO ORGANIZED CRIME AND WHITE-COLLAR CRIME, PROBLEMS IN THE MEASUREMENT AND EVALUATION OF 'SUCCESS' IN THE CAMPAIGNS TO ELIMINATE THEM; AND TRENDS IN THESE AREAS OF ILLEGAL ENDEAVOR ARE EXAMINED. BOTH THE ILLEGAL-BUSINESS ASPECTS OF ORGANIZED CRIME AND CRIMES WITHIN THE FRAMEWORK OF LEGITIMATE BUSINESS ARE ANALYZED. AN APPENDIX CONTAINS A SAMPLE OF DEFINITIONS OR DESCRIPTIONS THAT HAVE BEEN APPLIED TO THE TERM OF 'ORGANIZED CRIME'.

153. **W. C. MULLAN. THEFT AND DISPOSITION OF SECURITIES BY ORGANIZED CRIME.** SAM HOUSTON STATE UNIVERSITY INSTITUTE OF CONTEMPORARY CORRECTIONS AND THE BEHAVIORAL SCIENCES, HUNTSVILLE TX 77340. 60 p. 1975. **NCJ-32138**

THIS REPORT FOCUSES ON THE OPERATIONAL WEAKNESSES AND INADEQUATE SECURITY PROCEDURES WHICH ALLOW MEMBERS OF ORGANIZED CRIME TO STEAL AND DISPOSE OF STOCKS, BONDS, AND OTHER NEGOTIABLE INSTRUMENTS. TWO KEY ISSUES IN THIS DISCUSSION ARE THE EASE WITH WHICH THE THEFTS HAVE BEEN ACCOMPLISHED AND THE VOLUME OF STOLEN SECURITIES DISPOSED OF. SEVERAL PROPOSED REMEDIES ARE PRESENTED, ANALYZED, AND EVALUATED TO DETERMINE IF THEY CAN SUBSTANTIALLY ELIMINATE OR REDUCE THE FINANCIAL LOSSES EXPERIENCED THROUGH THE THEFT OF SECURITIES. THE INTERIM IMMOBILIZATION AND EVENTUAL ELIMINATION OF THE STOCK CERTIFICATE IS INDICATED AS BEING THE MOST POTENTIALLY EFFECTIVE MEASURE.

Supplemental Notes: CRIMINAL JUSTICE MONOGRAPH, V 6, N 4.

154. **H. S. NELLI. BUSINESS OF CRIME—ITALIANS AND SYNDICATE CRIME IN THE UNITED STATES.** 327 p. 1976. **NCJ-40536**

A COMPREHENSIVE HISTORY OF ITALIANS IN AMERICAN CRIME DURING THE PERIOD FROM THE MURDER OF POLICE CHIEF DAVID HENNESSY IN NEW ORLEANS IN 1890 TO THE END OF 1941. THE BOOK EVALUATES THE COURSE OF SYNDICATE CRIME IN 14 MAJOR AMERICAN METROPOLISES INCLUDING NEW YORK, CHICAGO, SAN FRANCISCO, DENVER, AND NEW ORLEANS. IN ORDER TO PROVIDE A BASIS FOR COMPARISON WITH THE SITUATION IN THE UNITED STATES, THE FIRST CHAPTER PRESENTS THE POLITICAL, SOCIAL, ECONOMIC, AND CULTURAL CONDITIONS IN SOUTHERN ITALY AND SICILY THAT FOSTERED THE APPEARANCE AND GROWTH OF SECRET CRIMINAL SOCIETIES, PARTICULARLY IN THE LATER DECADES OF THE NINETEENTH CENTURY. THE REMAINDER OF PART 1 EXAMINES IN DETAIL THE MURDER OF CHIEF HENNESSY, THE EVENTS LEADING UP TO THIS CRIME, AND ITS PROFOUND IMPACT ON AMERICANS. THE TEXT GOES ON TO DESCRIBE IMMIGRANT COLONY CRIME AND THE BEGINNINGS OF ITALIAN INVOLVEMENT IN SYNDICATE ACTIVITIES IN THE DECADES PRIOR TO THE ENACTMENT OF THE EIGHTEENTH AMENDMENT. THE FINAL SECTION SURVEYS THE ROLE OF PROHIBITION AND THE GREAT DEPRESSION IN BRINGING ABOUT THE EMERGENCE OF POWERFUL, WEALTHY, AND POLITICALLY WELL-CONNECTED ITALIAN-AMERICAN CRIMINAL ENTREPRENEURS. ALSO INTEGRATED IN THIS ILLUSTRATED TEXT ARE DESCRIPTIONS OF THE NOTORIOUS MAFIA MEMBERS—AL CAPONE, FRANK NITTI, JACOB SHAPIRO, AND GEORGE MORAN. (AUTHOR ABSTRACT)

Availability: OXFORD UNIVERSITY PRESS, INC, 200 MADISON AVENUE, NEW YORK NY 10016.

155. **NEW JERSEY COMMISSION OF INVESTIGATION, 329 W STATE STREET, TRENTON NJ 08625. NEW JERSEY—COMMISSION OF INVESTIGATION—REPORT AND RECOMMENDATIONS ON THE INCURSION BY ORGANIZED CRIME INTO CERTAIN LEGITIMATE BUSINESSES IN ATLANTIC CITY.** 52 p. 1977. **NCJ-55801**

RESULTS OF AN INVESTIGATION INTO ORGANIZED CRIME'S INVOLVEMENT IN ANCILLARY SERVICES CATERING TO THE CASINO-HOTEL COMPLEX IN ATLANTIC CITY, N.J., ARE REPORTED AND RECOMMENDATIONS OFFERED. IN AUGUST OF 1977, THE STATE COMMISSION OF INVESTIGATION (SCI) HELD PUBLIC HEARINGS IN RELATION TO THE DEVELOPING MOVEMENT OF ORGANIZED CRIME INTO ATLANTIC CITY, PARTICULARLY IN REGARD TO LEGITIMATE ENTERPRISES BEYOND THE SCOPE OF CONTROL OF THE CASINO CONTROL ACT. THE PUBLIC HEARINGS CONFIRMED THE FACT OF INFILTRATION OF THE CIGARETTE VENDING BUSINESS AND THE TAVERN BUSINESS, AS WELL AS THE ATTEMPTED INFILTRATION OF A CASINO GAMING SCHOOL BUSINESS AND A POTENTIAL CASINO-HOTEL COMPLEX. BECAUSE OF THE CURRENT REVIEWING AND RULEMAKING ACTIVITY OF THE CASINO CONTROL COMMISSION, THE SCI OFFERED NO COMMENT ON THE LAST TWO AREAS OF INFILTRATION MENTIONED ABOVE. WITH REGARD TO THE CIGARETTE VENDING MACHINE BUSINESS AND THE TAVERN BUSINESS, HOWEVER, LEGISLATIVE AND ADMINISTRATIVE RECOMMENDATIONS ARE PROPOSED IN THIS REPORT. DETAILS ARE REPORTED ON THE INFORMATION RECEIVED AT THE PUBLIC HEARING WHICH REVEALED ASSOCIATIONS OF KNOWN ORGANIZED CRIME FIGURES WITH BUSINESSES OPERATING OR APPLYING FOR OPERATION IN ATLANTIC CITY. BECAUSE BOTH CIGARETTE DISTRIBUTION AND LIQUOR SALES REQUIRE LICENSING BY THE STATE, IT IS RECOMMENDED THAT CRITERIA FOR LICENSING IN BOTH OF THESE AREAS BE EXPANDED SO AS TO EXCLUDE BUSINESSES IN ANY WAY CONNECTED WITH ORGANIZED CRIME FIGURES. IT IS RECOMMENDED THAT THIS BE DONE BY REQUIRING THAT ALL ENTERPRISES INVOLVED IN CIGARETTE AND LIQUOR SALES APPLYING FOR LICENSING REVEAL THE NAMES OF ALL PARTIES ASSOCIATED WITH THE BUSINESS THROUGH LOANS OR OTHER FINANCIAL CONNECTIONS. FURTHER, SHOULD ANY OF THOSE PERSONS HAVE ASSOCIATIONS WITH ORGANIZED CRIME, LICENSING WOULD NOT BE GRANTED. SPECIFIC STATUTORY

AND REGULATORY MODIFICATIONS ARE PRESENTED. EXHIBITS PRESENTED AT THE PUBLIC HEARINGS ARE INCLUDED.
Availability: NCJRS MICROFICHE PROGRAM.

156. **M. PORMAN. PAYOFF—THE ROLE OF ORGANIZED CRIME IN AMERICAN POLITICS.** 343 p. 1972. **NCJ-25443**
EXPOSES THE HOLD ORGANIZED CRIME HAS ON AMERICAN POLITICS. THIS DOCUMENT DETAILS WITH NUMEROUS CASE HISTORIES THE MANNER IN WHICH LOCAL, STATE, AND FEDERAL OFFICIALS HAVE BEEN CORRUPTED. MUCH OF THE INFORMATION IS BASED ON THE AUTHOR'S INTERVIEWS WITH TOP GANGSTERS. THE DOCUMENT SHOWS HOW THE MAFIA'S INFILTRATION OF LEGITIMATE BUSINESS FITS IN WITH ITS POLITICAL OPERATIONS. THE AUTHOR ALSO DISCUSSES THE USE OF SUCH TACTICS AS BRIBES, CAMPAIGN CONTRIBUTIONS, THREATS, BLACKMAIL, BALLOT-BOX MANIPULATION, AND THE DELIVERY OF LARGE VOTING BLOCS. (AUTHOR ABSTRACT)
Availability: DAVID MCKAY, 750 THIRD AVENUE, NEW YORK NY 10017.

157. **G. TYLER. SOCIODYNAMICS OF ORGANIZED CRIME (FROM CRIME AND JUSTICE, 1971-1972—AN AMS ANTHOLOGY, 1974 BY JACKWELL SUSMAN SEE NCJ-28615).** AMS PRESS INC, 56 EAST 13TH STREET, NEW YORK NY 10003. 15 p. 1974. **NCJ-28625**
THE AUTHOR PORTRAYS ORGANIZED CRIME AS A BUSINESS CORPORATION AND A GOVERNMENT AND AS AN INSTITUTION WHICH, ALTHOUGH ITS MEMBERSHIP IS CONSTANTLY CHANGING, HAS EXISTED THROUGHOUT AMERICAN HISTORY. THE ROOTS OF ORGANIZED CRIME ARE PERCEIVED AS BEING WRAPPED UP IN THE LAWLESSNESS OF THE AMERICAN FRONTIER, AS IT WAS PUSHED FROM PLYMOUTH ROCK TO THE WEST. THIS FRONTIER ANALOGY IS CARRIED EVEN FURTHER AS THE AUTHOR DESCRIBES THE STRUGGLE OF IMMIGRANTS TO BROADEN THE ECONOMIC AND SOCIETAL BOUNDS THAT SURROUND THEM IN THE INNER CITIES. ONE WAY TO DO THIS IS THROUGH ORGANIZED CRIME. THIS IS EVIDENCED BY THE DIFFERENT ETHNIC GROUPS THAT HAVE CONTROLLED MUCH OF ORGANIZED CRIME ACTIVITY, FROM THE IRISH, TO THE JEWS, TO THE ITALIANS. THE CURRENT TREND IS SWINGING IN FAVOR OF THE BLACKS AND PUERTO RICANS. THE ORGANIZED CRIME INSTITUTION IS SEEN AS A MECHANISM FOR THESE GROUPS TO ATTAIN CONVENTIONAL RESPECTABILITY, ALBEIT IN AN UNORTHODOX WAY.

158. **UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, 3400 CHESTNUT STREET, PHILADELPHIA PA 19174. ORGANIZED CRIME AND THE INFILTRATION OF LEGITIMATE BUSINESS—CIVIL REMEDIES FOR 'CRIMINAL ACTIVITY'.** *UNIVERSITY OF PENNSYLVANIA LAW REVIEW,* V 124, N 1 (NOVEMBER 1975), P 192-222. **NCJ-30862**
ANALYSIS OF THE SCOPE OF TITLE IX OF THE ORGANIZED CRIME CONTROL ACT OF 1970 WHICH IS DESIGNED TO PREVENT INFILTRATION THROUGH THE USE OF CIVIL REMEDIES OF THE TYPE TRADITIONALLY USED AGAINST ANTITRUST VIOLATORS. TITLE IX WAS DESIGNED TO PREVENT THE INFILTRATION OF LEGITIMATE BUSINESS ENTERPRISES BY ORGANIZED CRIME THROUGH THE USE OF CIVIL REMEDIES. IT PROHIBITS THE USE OF PROCEEDS DERIVED FROM A PATTERN OF RACKETEERING ACTIVITY OR FROM COLLECTION ON AN UNLAWFUL DEBT TO ACQUIRE INTEREST IN A BUSINESS. TITLE IX'S CRIMINAL FORFEITURE PROVISION AND ITS CIVIL REMEDIES--ESPECIALLY DIVESTITURE AND DISSOLUTION--ARE DIRECTED TOWARDS REDUCING THE POWER OF PEOPLE ENGAGED IN ORGANIZED CRIME THROUGH RESTRAINT OF THEIR ECONOMIC ACTIVITY. TITLE IX METHODS OF ATTEMPTING TO CONTAIN ORGANIZED CRIME THROUGH CIVIL REMEDIES, HOWEVER, PRESENT SOME TROUBLESOME ISSUES: (1) DOES SECTION 1964 REFER TO THE OPERATION OF WHOLLY ILLEGITIMATE ENTERPRISES AS WELL AS THE INFILTRATION OF LEGITIMATE BUSINESS, AND (2) DOES USE OF CIVIL ACTIONS TO COMBAT SELECTED 'CRIMINAL' ACTIVITY DEPRIVE DEFENDANTS OF CONSTITUTIONAL PROTECTIONS--RIGHT TO COUNSEL, BURDEN OF PROOF ON COURT, RIGHT TO REFUSE TO BE A WITNESS AGAINST ONESELF. ANALYSIS OF THE HISTORY AND LANGUAGE OF THE STATUTE REVEALS THAT, ALTHOUGH NO DISTINCTION IS DRAWN BETWEEN LEGITIMATE AND ILLEGITIMATE OPERATIONS, NEITHER DOES THE STATUTE EXPLICITLY ENCOMPASS ILLICIT ENTERPRISE. CONGRESS' SOLE TARGET WAS INFILTRATION OF LEGITIMATE BUSINESS. TO APPLY THE STATUTE TO BEHAVIOR THAT HAS TRADITIONALLY BEEN CONTROLLED THROUGH CRIMINAL REMEDIES (RACKETEERING AS A BUSINESS IN ITSELF) WOULD BE STRETCHING IT BEYOND ITS INTENDED LIMITS. FURTHERMORE, DESPITE THE CRIMINAL NATURE OF THE UNDERLYING PROBLEM, THE GRANT OF REGULATORY POWER UNDER TITLE IX'S SECTION 1964 IS SUFFICIENTLY UNBURDENSOME TO JUSTIFY USING EQUITABLE CIVIL REMEDIES WITHOUT AT THE SAME TIME GRANTING THE SPECIAL PROTECTIONS GIVEN TO CRIMINAL DEFENDANTS. TITLE IX TARGETS PERPETRATORS OF ECONOMIC CRIMES WHO ARE SEEKING PROFIT. TRANSFER OF THEIR OFFENSES TO CRIMINAL PROCEEDINGS WOULD PROVIDE A CONSTITUTIONAL SHIELD DENIED TO MORE CONVENTIONAL BUSINESS PERSONS. FOOTNOTES ARE PROVIDED.

159. **US CONGRESS HOUSE SELECT COMMITTEE ON CRIME, WASHINGTON DC 20515. ORGANIZED CRIME—TECHNIQUES FOR CONVERTING WORTHLESS SECURITIES INTO CASH.** 361 p. 1972. **NCJ-05883**
HEARINGS EXPLORED USE OF THE COMPLETELY WORTHLESS COMMERCIAL PAPER OF THE BAPTIST FOUNDATION BY CRIMINAL ELEMENTS ALL OVER THE COUNTRY TO OBTAIN HARD CASH. B.F.A. SCHEMES INCLUDED A BROCHURE WHICH DESCRIBED THAT ORGANIZATION AND ITS OPERATION, GIVING THE ORGANIZATION A RESPECTABLE FACADE, IMPLYING THAT IT ENJOYED U.S. GOVERNMENT AND CALIFORNIA TAX-EXEMPT STATUS, LISTING A DISTINGUISHED GROUP OF BOARD MEMBERS, AND CLAIMING THAT THE ORGANIZATION'S FINANCIAL STRENGTH WAS SOLID WITH ASSETS EXCEEDING $20 MILLION. ANOTHER B.F.A. DEVICE WAS A PHONY FINANCIAL STATEMENT PREPARED BY A CORRUPT ACCOUNTANT, AND YET ANOTHER WAS MARKET MANIPULATION IN OVER-THE-COUNTER SALES OF SECURITIES. THE TESTIMONY DEMONSTRATES THAT TWO IMPORTANT FIGURES IN ORGANIZED CRIME TOOK OVER A NEW JERSEY DATA PROCESSING COMPANY AND USED IT AS A VEHICLE TO TAKE CONTROL OF A SECOND CORPORATION, DUMONT. THEY THEN ENGINEERED A STOCK MANIPULATION. ANOTHER FRAUD INVOLVED AN INSURANCE SCHEME IN WHICH B.F.A. NOTES, DUMONT STOCK, AND OTHER WORTHLESS SECURITIES WERE USED TO PAY FOR PAIDUP LIFE INSURANCE POLICIES. THE POLICIES WERE USED AS COLLATERAL FOR PERSONAL LOANS. WITNESSES INCLUDE INDIVIDUALS INVOLVED IN THE CRIMES AND REPRESENTATIVES OF COMPANIES AFFECTED BY THEM. COPIES OF NUMEROUS DOCUMENTS CONCERNING THE ORGANIZATIONS MENTIONED THROUGHOUT TESTIMONY, THE B.F.A. FINANCIAL STATEMENT, AND DOCUMENTS VERIFYING BANK LOANS AND COLLATERAL PLEDGED ARE PROVIDED.
Supplemental Notes: HEARINGS HELD DEC 7, 8, 9, 1971.
Availability: GPO.

160. **US CONGRESS SENATE COMMITTEE ON GOVERNMENT AFFAIRS PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, WASHINGTON, DC 20510. LABOR MANAGEMENT RACKETEERING—HEARINGS BEFORE THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, 95TH CONGRESS, 2ND SESSION, APRIL 24 AND 25, 1978.** 233 p. 1978. **NCJ-49521**

PROCEEDINGS OF TWO 1978 HEARINGS COVER CONNECTIONS BETWEEN LABOR UNIONS AND ORGANIZED CRIME. BOTH PERSONAL TESTIMONY AND PREPARED STATEMENTS ARE INCLUDED. THOSE TESTIFYING INCLUDED REPRESENTATIVES FROM THE U.S. DEPARTMENT OF LABOR, THE U.S. DEPARTMENT OF JUSTICE, AND MEMBERS OF STRIKE FORCES SET UP IN PHILADELPHIA, LOS ANGELES, SAN FRANCISCO, BOSTON, BROOKLYN, CLEVELAND, NEWARK (N.J.), ATLANTA (GA.), BUFFALO (N.Y.), MIAMI (FLA.), AND CHICAGO. THEY DETAIL VIOLATIONS OF UNION PENSION PLAN LAWS, PROMOTION OF MEMBERS WITH ORGANIZED CRIME CONNECTIONS, HARASSMENT OF UNION MEMBERS OPPOSING ORGANIZED CRIME CONNECTIONS, AND RACKETEERING IN VARIOUS FORMS. SOME OF THE TESTIMONY APPENDS SUPPORTING DOCUMENTS. STATISTICS ON BUDGET, STAFF ASSIGNED TO TASK FORCES, AND ACTUAL STAFF-DAYS DEVOTED TO INVESTIGATION OF LABOR MANAGEMENT RACKETEERING ARE INCLUDED IN THE TESTIMONY.

Availability: NCJRS MICROFICHE PROGRAM.

161. **US CONGRESS SENATE COMMITTEE ON GOVERNMENT OPERATIONS, WASHINGTON DC 20510. ORGANIZED CRIME—STOLEN SECURITIES, HEARINGS (ISSUED IN FIVE NUMBERED VOLUMES).** 1305 p. 1971. **NCJ-09671**

CONGRESSIONAL INVESTIGATION OF ORGANIZED CRIME AND ITS OPERATIONS IN CONNECTION WITH THE THEFT AND ILLEGAL USE OF STOCKS, BONDS, AND FORGED SECURITIES. THE VOLUMES ARE COMPOSED OF TESTIMONIES OF PERSONNEL IN THE SECURITIES INDUSTRY, GOVERNMENT AGENTS, SPECIAL INVESTIGATORS, AND INDIVIDUALS INVOLVED IN THE ILLEGAL TRAFFICKING OF SECURITIES. ALSO INCLUDED ARE LETTERS, RESEARCH REPORTS, AND MEDIA ARTICLES PERTAINING TO THE THEFT AND FENCING OF STOLEN STOCKS AND BONDS. CONSIDERED ARE COUNTERMEASURES WHICH HAVE BEEN TRIED OR SUGGESTED IN AN ATTEMPT TO CURB THE PROBLEM. A LIST OF WITNESSES AND AN INDEX ARE INCLUDED.

Supplemental Notes: HEARINGS HELD ON 8-10, 16-18, 23-25, 29 JUNE, 20-22, 27-29 JULY, AND 2-4 AUGUST, 1971.

162. **US CONGRESS SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, WASHINGTON DC 20510. ORGANIZED CRIMINAL ACTIVITIES—SOUTH FLORIDA AND US PENITENTIARY, ATLANTA, (GA)—HEARINGS BEFORE THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, PART 3—95TH CONGRESS, 2ND SESSION, OCTOBER 24 AND 25, 1978.** 221 p. 1978. **NCJ-55497**

THIS THIRD IN A THREE-PART SERIES OF CONGRESSIONAL HEARINGS INVESTIGATES ORGANIZED CRIME IN SOUTH FLORIDA WITH SPECIAL EMPHASIS ON DOPE SMUGGLING, GAMBLING, EXTORTION, AND PUBLIC CORRUPTION. THE TESTIMONY FOCUSES ON THE NATURE AND SCOPE OF ORGANIZED CRIME IN FLORIDA, THE DEGREE TO WHICH THIS CRIME IS EXPORTED TO THE REST OF THE NATION, THE DEGREE TO WHICH VARIOUS LAW ENFORCEMENT AGENCIES ARE COORDINATING THEIR EFFORTS AGAINST ORGANIZED CRIME, AND THE EFFECTIVENESS OF THESE EFFORTS. THOSE TESTIFYING INCLUDE TWO PILOTS WHO FLEW NARCOTICS FOR ORGANIZED CRIMINAL GROUPS, MEMBERS OF THE STATE ATTORNEY'S STAFF, THE HEAD OF THE ORGANIZED CRIME BUREAU OF THE DADE COUNTY (MIAMI) PUBLIC SAFETY DEPARTMENT, THE CHIEF OF THE FT. LAUDERDALE POLICE DEPARTMENT, AND FEDERAL JUDGES. FLORIDA HAS A SPECIAL ORGANIZED CRIME PROBLEM. THERE ARE 27 IDENTIFIED MAFIA STRUCTURES OR 'FAMILIES' THROUGHOUT THE UNITED STATES, AND MOST STATES HAVE ONLY ONE OF THESE 'FAMILIES' REPRESENTED. NEW YORK, HOWEVER, HAS 5 IN CONTROL OF A WIDE RANGE OF CRIMINAL ACTIVITY, AND DADE COUNTY AND LAS VEGAS, NEV., BOTH HAVE REPRESENTATIVES OF ALL 27 'FAMILIES' IN RESIDENCE. A TABLE GIVES THE NAMES OF THESE FAMILIES AND THEIR MEMBERS ALONG WITH THEIR FLORIDA RESIDENCE STATUS. THE TESTIMONY COVERS NARCOTICS LAW VIOLATIONS, FINANCIAL FRAUD, FRADULENT SECURITIES, BOOKMAKING, LOTTERIES, PROSTITUTION, PORNOGRAPHY, LABOR RACKETEERING, AND EXTORTION. LINKS WITH CANADIAN ORGANIZED CRIME AND ORGANIZED CRIME IN OTHER AREAS OF THE UNITED STATES ARE EXPLORED. THE FRAGMENTED NATURE OF LAW ENFORCEMENT IS CRITICIZED. THE NEED FOR REDOUBLED EFFORTS ON THE PART OF BOTH FEDERAL AND STATE OFFICIALS IS POINTED OUT. THE INTERNAL REVENUE SERVICE ESPECIALLY IS CRITICIZED FOR DROPPING ITS ORGANIZED CRIME ENFORCEMENT ACTIVITIES. THE SECOND PART OF THESE HEARINGS COVERED THE ATLANTA (GA.) FEDERAL PENITENTIARY. SEE NCJ-55496.

Availability: NCJRS MICROFICHE PROGRAM.

163. **L. H. WHITTEMORE. PEROFF—THE MAN WHO KNEW TOO MUCH.** 316 p. 1975. **NCJ-27021**

BIOGRAPHICAL ACCOUNT OF FRANK PEROFF, WHO, AFTER A TIME AS A SUCCESSFUL INTERNATIONAL DEALER IN FRAUDULENT MONEY AND SECURITIES, BECAME AN EFFECTIVE UNDERCOVER AGENT FOR THE U.S. SECRET SERVICE. THE BOOK RECOUNTS PEROFF'S INFILTRATION OF ORGANIZED CRIME AS AN UNDERCOVER AGENT AND EXAMINES HIS ALLEGATIONS OF GOVERNMENT AGENT PAYOFFS AND HEROIN IN DEALINGS AGAINST ROBERT VESCO.

Availability: WILLIAM MORROW AND COMPANY, INC, 105 MADISON AVENUE, NEW YORK NY 10016.

164. **A. YARDS. MAFIA/SYNDICATE EQUALS ORGANIZED CRIME—'THE GOVERNMENT ... WITHIN THE GOVERNMENT'.** 203 p. 1976. **NCJ-37970**

EXPOSE OF WIDESPREAD INFILTRATION AND CONTROL OF AMERICAN GOVERNMENT AND BUSINESS BY ORGANIZED CRIME INVOLVING POLITICAL ASSASSINATION, OPERATION OF DRUG TRAFFIC, AND CONTROL OF POLITICAL AND ECONOMIC PROCESSES. THE BOOK ALLEGES ORGANIZED CRIME INVOLVEMENT IN THE DEATHS OF JOHN F KENNEDY, ROBERT F KENNEDY, MARTIN LUTHER KING, JAMES HOFFA, AND OTHERS. ALSO ALLEGED IS ORGANIZED CRIME INVOLVEMENT IN MUNICIPAL, STATE, AND FEDERAL GOVERNMENT AS WELL AS SECURITY AND LAW ENFORCEMENT AGENCIES. ANALYZED IS THE SIGNIFICANCE OF THE SENATE COMMITTEE HEARINGS INVESTIGATING ORGANIZED CRIME SINCE THE 1950'S.

Supplemental Notes: FOR INFORMATION ADDRESS—A YARDS PO BOX 4428 MOUNTAIN VIEW, CA 94040.

165. **M. G. YEAGER. GANGSTER AS WHITE COLLAR CRIMINAL—ORGANIZED CRIME AND STOLEN SECURITIES.** UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF CRIMINOLOGY, 101 HAVILAND HALL, BERKELEY CA 94720. *ISSUES IN CRIMINOLOGY,* V 8, N 1 (SPRING 1973), P 49-73. **NCJ-10573**

AN ANALYSIS OF THE GOVERNMENT HEARINGS WHICH INVESTIGATED THE ROLE OF ORGANIZED CRIME IN THE THEFT AND ILLEGAL USE OF STOLEN STOCKS AND BONDS. THE AUTHOR DESCRIBES A THEORETICAL ORIENTATION BY WHICH THE READER MAY BETTER UNDERSTAND THE ETIOLOGY OF WHITE COLLAR CRIME AND CRITICALLY ANALYZES THE ECOLOGICAL CONDITIONS WHICH FACILITATE THE THEFT OF SECURITIES. THE PROCESS OF USING STOLEN SECURITIES TO ENGAGE IN LEGITIMATE BUSINESS PRACTICES IS DOCUMENTED THROUGH THE TESTIMONIES OF VARIOUS CRIMINAL FIGURES. COUNTERMEASURES WHICH HAVE BEEN IMPLEMENTED BY THE GOVERNMENT AND THE SECURITIES INDUSTRY ARE OUTLINED. A LIST OF REFERENCES IS PROVIDED.

COMPUTER ABUSE

166. **R. S. BECKER. DATA PROCESSING SECURITY GAME—SAFEGUARDING AGAINST THE REAL DANGERS OF COMPUTER ABUSE.** 111 p. 1977. **NCJ-44258**

RECOMMENDATIONS FOR MAINTAINING THE INTEGRITY OF A DATA PROCESSING SYSTEM IN A BUSINESS OR INSTITUTIONAL SETTING, AS WELL AS UNDERLYING PHILOSOPHIES, CONTROL PROCEDURES, AND CHECKLISTS, ARE PRESENTED. THE FIVE MAJOR AREAS OF CONCERN—PHYSICAL ASPECTS, MAGNETIC MEDIA CONTROL, TERMINAL SYSTEMS, DATA SET CONTROL, AND DISASTER RECOVERY—ARE EXPLORED IN RELATION TO COMPUTER CONFIDENTIALITY, LARCENY, PRIVACY, CIVIL AND CRIMINAL LIABILITY, AND ASSETS PROTECTION. SELECTIVE PROTECTION AND COMPARTMENTATION ARE DISCUSSED IN DETAIL AS EFFECTIVE PROCEDURES ALTERNATIVES TO THE SEARCH FOR TOTAL PROTECTION. BASIC ELEMENTS WHICH CAN AND SHOULD BE USED BY ALL INSTALLATIONS, REGARDLESS OF SIZE, SCOPE, OR MISSION, ARE SET FORTH. THE TEXT IS DESIGNED FOR CORPORATE EXECUTIVES, DATA PROCESSING PROFESSIONALS, AND COLLEGE STUDENTS. APPENDIXES PRESENT CLASSROOM QUESTIONS, A SAMPLE FORMALIZED DATA PROCESSING SECURITY ASSESSMENT, AND A TYPICAL DATA PROCESSING INSURANCE POLICY. A BIBLIOGRAPHY AND AN INDEX ARE PROVIDED. (AUTHOR ABSTRACT MODIFIED)

Availability: PERGAMON PRESS, INC, MAXWELL HOUSE, FAIRVIEW PARK, ELMSFORD NY 10523.

167. **A. BEQUAI. COMPUTER CRIME.** 221 p. 1978. **NCJ-45106**

THE STRENGTHS AND WEAKNESSES OF THE EXISTING LEGAL APPARATUS IN INVESTIGATING AND PROSECUTING THOSE CRIMES WHICH EMPLOY THE COMPUTER AS AN ACCOMPLICE ARE EXPLORED. AN ESTIMATED $100 MILLION IS STOLEN ANNUALLY THROUGH COMPUTERS AS OF 1978. EXPERTS SUGGEST THAT THIS FIGURE REPRESENTS A MERE FRACTION OF THE ACTUAL AMOUNT, SINCE LESS THAN 1 PERCENT OF ALL COMPUTER CRIME IS UNCOVERED. WHEN SUCH CRIMES ARE EXPOSED, THE FELON OFTEN ESCAPES JUSTICE THROUGH A VARIETY OF LOOPHOLES WITHIN THE LAWS. THE AUTHOR ANALYZES THOSE FEDERAL AND STATE LAWS WHICH GOVERN COMPUTER CRIME AND ILLUSTRATES WHY COMPUTERS ARE SUCH EASY TARGETS FOR ABUSE. OVERBURDENED WITH RED TAPE AND OPEN TO POLITICAL PRESSURE, THE INVESTIGATORY APPARATUS IS UNABLE TO MOVE WITH THE REQUISITE FLEXIBILITY AND SPEED. MANY FEDERAL CASES ARE USUALLY TURNED DOWN BY THE JUSTICE DEPARTMENT AND NEVER MAKE THEIR APPEARANCE IN COURT. THE AUTHOR NOTES THAT IT MAKES LITTLE SENSE TO GIVE THIS DEPARTMENT SUCH VAST PROSECUTORIAL POWERS; THERE IS LITTLE EXCUSE FOR NOT ALLOWING SOME OF THE REGULATORY AGENCIES AND NONAGENCIES TO PROSECUTE THEIR OWN CRIMINAL CASES. FURTHER, THE ENTIRE PROCESS ITSELF MUST BE OPENED TO THE PUBLIC SO AS TO RID IT OF POLITICAL CORRUPTION. SHOULD IMPORTANT AND INFLUENTIAL ELEMENTS MAKE USE OF COMPUTERS TO BILK THE PUBLIC OF LARGE SUMS OF MONEY, THE INVESTIGATORY AND PROSECUTORIAL MACHINERY MIGHT EASILY LEND ITSELF TO POLITICAL MANIPULATION. THE INVESTIGATORY APPARATUS IS ALSO IN NEED OF TRAINING AND DEVELOPING PROGRAMS TO SECURE, AS WELL AS TO COMBAT, COMPUTER CRIMES. FEW PROSECUTORS, LOCAL OR FEDERAL, HAVE HAD ANY EXPERIENCE WITH THIS TYPE OF CRIME. RULES OF EVIDENCE MUST ALSO BE AMENDED TO ADAPT TO THIS NEW ERA OF TECHNOLOGICAL CRIMES. THE HEARSAY RULE POSES SERIOUS PROBLEMS. THERE IS ALSO NEED FOR LEGISLATION AT THE STATE LEVEL, SIMILAR TO THE NEW FEDERAL RULES OF EVIDENCE, WHICH SPECIFICALLY ADDRESSES ITSELF TO THE PROBLEM OF COMPUTER-RELATED CRIME. COURTS HAVE SHOWN GREAT LAXITY WHEN SENTENCING COMPUTER FELONS; THE COMPUTER FRAUDS THAT HAVE SURFACED HAVE, FOR THE MOST PART, INVOLVED UNIMPORTANT INDIVIDUALS AND RELATIVELY SMALL AMOUNTS OF MONEY. THE AUTHOR VIEWS THE PROBLEM OF COMPUTER CRIME IN THE FAILURE OF THE LAWS, JURISTS, LAWYERS, AND LAW SCHOOLS TO ADAPT TO THE NEEDS OF A CHANGING ENVIRONMENT. WITH PREDICTIONS OF CRIME POSSIBILITIES THAT WILL ACCOMPANY EVER-EXPANDING TECHNICAL CAPACITY, THE AUTHOR WARNS THAT, UNLESS THE PROBLEMS ARE DEALT WITH NOW, SOCIETY WILL BE ILL-PREPARED TO COPE WITH THE CONSEQUENCES OF INACTION. AN INDEX IS PROVIDED. (AUTHOR ABSTRACT MODIFIED)

Availability: HEATH LEXINGTON BOOKS, 125 SPRING STREET, LEXINGTON MA 02173.

168. **A. W. BLAIR. PRICE FIXING AND PROBLEMS OF PROOF—THE COMPUTER LENDS A HAND.** UNIVERSITY OF MISSOURI SCHOOL OF LAW, COLUMBIA MO 65201. *MISSOURI LAW REVIEW,* V 43, N 4 (FALL 1978), P 686-713. **NCJ-52408**

EVIDENTIARY AND PROOF PROBLEMS ASSOCIATED WITH ANTITRUST LITIGATION INVOLVING THE CHARGE OF CONSPIRACY AND THE DEVELOPMENT OF A COMPUTERIZED TECHNIQUE TO PRODUCE EVIDENCE IN CONSPIRACY CASES ARE DISCUSSED. ALTHOUGH CONSPIRING TO FIX PRICES IS CLEARLY ILLEGAL, IT IS OFTEN DIFFICULT TO PROVE THAT A CONSPIRACY EXISTS OR HAS EXISTED BECAUSE OF ATTEMPTS BY THE PRICE-FIXING GROUP TO ELIMINATE OR CONCEAL EVIDENCE THAT SUGGESTS AN AGREEMENT. IN A MARKET COMPRISING MANY SELLERS AND BUYERS, ECONOMIC PRESSURES RESULTING FROM INTERDEPENDENCE ARE ABSENT. IF PRICE UNIFORMITY OCCURS IN A NORMAL MARKETPLACE, THE INFERENCE OF COLLUSION IS STRENGTHENED BECAUSE OLIGOPOLISTIC FORCES ARE NOT IN EFFECT. THE PRACTICE OF MANY BUYERS OF TAKING SEALED BIDS ASSURES PRICE-FIXING SELLERS OF THE CONTINUED VITALITY OF THEIR ARRANGEMENTS AND PROVIDES AN ADDITIONAL INCENTIVE TO FIX PRICES. DELIVERED PRICING IS ANOTHER PRACTICE PERMITTED BY BUYERS IN THE SEALED BID INDUSTRY; DELIVERED PRICES INSURE COMPETITORS THAT THEY CAN MAKE A BID THAT WILL NOT REFLECT TRANSPORTATION COSTS. COMPUTERS REPRESENT A WAY OF ANALYZING MARKET STRUCTURES IN ORDER TO PRESENT EVIDENCE OF CONSPIRACY. INFORMATION TO BE PROCESSED BY COMPUTERS IS SELECTED ON THE PREMISE THAT PRICE FIXING WILL OCCUR WHERE CERTAIN CHARACTERISTICS EXIST: HOMOGENEOUS PRODUCT, INELASTIC DEMAND FOR PRODUCT, RELATIVELY STABLE TECHNOLOGY AND LITTLE PRODUCT INNOVATION, SEALED BIDS, AND SUBSTANTIAL ENTRY BARRIERS TO INDUSTRY NEWCOMERS. AN ASSUMPTION BASIC TO THE USE OF COMPUTERS IN EVIDENCE ASSIMILATION IS THAT COLLUSIVE SELLERS WILL GENERATE VISIBLE TRACES OF THEIR CONSPIRACY THAT CAN BE DISCOVERED AND INTERPRETED THROUGH VARIOUS RELATIONSHIPS. THE PROPONENT OF COMPUTER-GENERATED EVIDENCE SHOULD, AS A GENERAL RULE, DISCLOSE HIS INTENTION TO USE SUCH EVIDENCE BEFORE TRIAL. IT IS NECESSARY TO LAY A PROPER FOUNDATION FOR THE ADMISSIBILITY OF COMPUTER-GENERATED EVIDENCE, AND TESTIMONY OF AN EXPERT ECONOMIST MAY BE NEEDED. DATA FROM ANALYSES OF PRICE FIXING AND COMPUTER-GENERATED EVIDENCE ARE TABULATED.

169. **J. M. CARROLL. COMPUTER SECURITY.** 413 p. 1977. **NCJ-44369**

GUIDELINES FOR PROTECTING ELECTRONIC DATA PROCESSING (EDP) SYSTEMS AND FACILITIES AGAINST ATTACK OR LOSS AND THE 'INVISIBLE' CRIME OF FRAUD, EMBEZZLEMENT, AND THEFT OF INFORMATION ARE PRESENTED. THE AUTHOR EXAMINES THE VULNERABILITIES OF EDP SYSTEMS AND DESCRIBES, STEP-BY-STEP, A TOTAL PROGRAM OF PROTECTION, FROM THE CONVENTIONAL ASPECTS OF PHYSICAL SECURITY TO SOPHISTICATED PROTECTION OF HARDWARE, SOFTWARE, AND COMMUNICATIONS. CHAPTERS DISCUSS WHERE TO LOCATE THE COMPUTER CENTER FOR UTMOST SAFETY, THE PRINCIPLES OF CONTROLLED CONCENTRIC PERIMETERS, THE SPECIAL RISKS OF REMOTE TERMINALS, NEWEST APPLICATIONS OF CRYPTOGRAPHY TO EDP, AND HOW TO MEASURE TELLTALE EMANATIONS. THE TEXT ALSO DEALS WITH EXPERIMENTS IN VOICE, SIGNATURE, AND FINGERPRINT IDENTIFICATION, PRINCIPLES OF ACCESS CONTROL, INTRUSION DETECTION AND SURVEILLANCE, THE 'SURVIVABILITY' FACTOR, AND OPERATIONAL AND SECURITY LOGS. A GLOSSARY OF TERMS, SAMPLE LOG FORMS, AND A BIBLIOGRAPHY ARE APPENDED. AN INDEX IS PROVIDED. (AUTHOR ABSTRACT MODIFIED)

Availability: SECURITY WORLD PUBLISHING COMPANY, INC, 2639 SOUTH LA CIENEGA BOULEVARD, LOS ANGELES CA 90034.

170. **M. A. L. FARR and B. CHADWICK. SECURITY FOR COMPUTER SYSTEMS.** 172 p. 1972. **NCJ-13678**

SECURITY METHODS INVOLVING HARDWARE, SOFTWARE, PERSONNEL, AND THE COMPUTER ENVIRONMENT WHICH CAN PROTECT AGAINST ACCIDENTAL OR DELIBERATE BREACHES OF SECURITY. THERE IS A GROWING AWARENESS OF THE IMPORTANCE OF SECURITY IN COMPUTER SYSTEMS. THIS RESULTS FROM THE INCREASING USE OF COMPUTERS, STORIES OF COMPUTER FRAUD AND DESTRUCTION OF INSTALLATIONS, AND THE INTEREST IN PRIVACY ASPECTS OF DATABANKS. THIS PUBLICATION LISTS THREATS TO COMPUTER SYSTEMS AND SUGGESTS POSSIBLE SAFEGUARDS. IT IS INTENDED TO GIVE INITIAL GUIDANCE TO THOSE CONCERNED WITH SECURING THEIR OWN INSTALLATIONS AND COVERS A VERY WIDE FIELD. THE AUTHORS BEGIN WITH A DETAILED INTRODUCTION TO THE PROBLEM OF COMPUTER SECURITY, DESCRIBING THE VARIOUS THREATS AND CLASSIFYING THEM INTO THREE AREAS—COMPUTING FACILITIES, FILES, AND COMPUTER TERMINALS AND COMMUNICATIONS. THE BULK OF THE DOCUMENT CONSISTS OF EXPLANATIONS OF APPROPRIATE INDIVIDUAL COUNTERMEASURES DESIGNED TO SAFEGUARD THESE THREE SYSTEM AREAS. A COST-EFFECTIVENESS MATRIX IN THE APPENDIX HIGHLIGHTS THE EFFECTS OF VARIOUS SECURITY TECHNIQUES AS APPLIED TO DIFFERENT TYPES OF RISKS, WITH NEGLIGIBLE, LOW, OR HIGH COST LEVELS. IT IS INTENDED AS A QUICK GUIDE AND SYNOPSIS. THE APPENDIX ALSO CONTAINS A GLOSSARY, LIST OF REFERENCES, AND A QUESTIONNAIRE WHICH SERVES AS A CHECKLIST FOR VARIOUS ASPECTS OF DATA SECURITY.

Availability: HAYDEN BOOK COMPANY, INC, 50 ESSEX STREET, ROCHELLE PARK NJ 07662.

171. **R. FARR. ELECTRONIC CRIMINALS.** 202 p. 1975. **NCJ-30501**

ADVANCED COMPUTER SYSTEMS, SATELLITE COMMUNICATIONS, BUGGING DEVICES, AND OTHER SOPHISTICATED ELECTRONIC DEVICES ARE SEEN AS VALUABLE NEW TOOLS FOR ENTERPRISING FELONS. NUMEROUS CRIMINAL USES OF ELECTRONICS ARE DESCRIBED. IN MANY CASES, SECURITY PRECAUTIONS ARE SEEN TO HAVE ADVANCED LESS QUICKLY THAN TECHNOLOGY.

Availability: MCGRAW-HILL, 1221 AVENUE OF THE AMERICAS, NEW YORK NY 10020.

172. **R. JACOBSON and L. BROWNELL, Eds. EDP (ELECTRONIC DATA PROCESSING) SECURITY—FOUR VIEWS.** AMERICAN SOCIETY FOR INDUSTRIAL SECURITY, 2000 K STREET, NW, WASHINGTON DC 20006. 36 p. 1977. **NCJ-45890**

REMARKS OF A SECURITY TECHNICIAN, A PRACTICING ATTORNEY, A SPECIALIST IN PERSONNEL SCREENING, AND A MANAGEMENT CONSULTANT ARE INCLUDED IN THIS TRANSCRIPT OF A PANEL DISCUSSION ON COMPUTER SECURITY. IN THIS DISCUSSION OF COMPUTER CRIME, VANDALISM OF COMPUTERS, AND GENERAL COMPUTER SECURITY THE FOLLOWING POINTS WERE HIGHLIGHTED: (1) A PUBLIC ACCOUNTANT WHO SPECIALIZES IN COMPUTER CRIME PRESENTED A DETAILED LOOK AT TOP AREAS OF COMPUTER FRAUD AND EMBEZZLEMENT; (2) THE ATTORNEY POINTED OUT THAT PRESENT CRIMINAL LAWS DO NOT DEAL WITH THE PROBLEMS OF COMPUTER SECURITY—IN ONE CASE TAMPERING VIA SIGNALS SENT FROM PAY TELEPHONES COULD ONLY BE CLASSIFIED AS 'HARRASSING OR OBSCENE PHONE CALLS'; (3) A SOFTWARE SPECIALIST DESCRIBED SPECIAL SOFTWARE PROGRAMS TO DETECT OPERATING FRAUD; AND (4) AN EMPLOYMENT EXPERT POINTED OUT THAT MOST COMPUTER PROBLEMS ARE CAUSED BY CARELESS EMPLOYEES, DISHONEST EMPLOYEES, AND DISGRUNTLED EMPLOYEES. AT PRESENT TOP OFFICERS OF A COMPANY ARE INVOLVED IN 4 PERCENT OF COMPUTER FRAUD INCIDENTS BUT ACCOUNT FOR 26 PERCENT OF LOSSES; TREASURERS ACCOUNT FOR 3 PERCENT OF INCIDENTS, 9

PERCENT OF LOSSES; ACCOUNTING SUPERVISORY PERSONNEL, 5 PERCENT OF INCIDENTS, 12 PERCENT OF LOSSES; AND ACCOUNTING STAFF, 40 PERCENT OF INCIDENTS BUT ONLY 4 PERCENT OF LOSSES. OUTSIDERS ACCOUNT FOR 34 PERCENT OF INCIDENTS AND 24 PERCENT OF LOSSES. FALSE DISBURSEMENTS AND FALSIFIED RECEIPTS ARE INVOLVED IN 78 PERCENT OF LOSSES. THE PROBLEMS OF RESTRICTING ENTRY TO THE COMPUTER, DIVIDING RESPONSIBILITY FOR VARIOUS FUNCTIONS, MAKING SURE SECURITY MEASURES ARE ACTUALLY IMPLEMENTED, AND HIRING RESPONSIBLE PERSONNEL WERE DISCUSSED IN DETAIL. GENERALLY THE PERSON COMMITTING COMPUTER FRAUD IS 18-30 YEARS OF AGE, BRIGHT AND HIGHLY MOTIVATED, VIEWS THE COMPUTER AND THE COMPANY AS IMPERSONAL OBJECTS, AND SEES THE CRIME AS A GAME OR A CHALLENGE. REPORTED LOSS FROM COMPUTER ABUSE IS $14-15 MILLION A YEAR. THIS IS ONLY A FRACTION OF THE ACTUAL ABUSE, AND MOST OF THESE REPORTED INCIDENTS ARE DISCOVERED PURELY BY ACCIDENT. AS LARGE COMPUTER NETWORKS WITH MANY REMOTE ACCESS TERMINALS BECOME COMMON, COMPUTER SECURITY WILL BE MORE OF A PROBLEM. COMPANIES MUST BECOME AWARE OF THE POTENTIAL FOR COSTLY LOSSES DUE TO CRIME IN A COMPUTER OPERATION.

Availability: AMERICAN SOCIETY FOR INDUSTRIAL SECURITY, 2000 K STREET, NW, WASHINGTON DC 20006.

173. **KRANZLEY AND COMPANY. ANALYSIS OF CERTAIN POTENTIAL THREATS TO EFT (ELECTRONIC FUND TRANSFER) SYSTEM SANCTITY.** 245 p. 1976. **NCJ-52041**

A TOTAL OF 17 GROSS THREAT CATEGORIES ARE IDENTIFIED AND RELATED TO SPECIFIC POINTS IN ELECTRONIC FUND TRANSFER (EFT) OPERATIONS. A 'THREAT INDEX' IS DEVELOPED AND POTENTIAL SAFEGUARDS ARE DESCRIBED AND EVALUATED. THE 17 MAJOR THREAT CATEGORIES ARE GROUPED UNDER 'INVASION OF PRIVACY,' 'FRAUD AND THEFT,' AND 'CATASTROPHE.' AN EFT SYSTEM IS EXAMINED ZONE-BY-ZONE, THE FUNCTION OF EACH PIECE OF EQUIPMENT IS EXPLAINED, AND THE INTERACTION OF EACH COMPONENT WITH OTHER COMPONENTS AND WITH USERS IS EXAMINED. AN OVERVIEW THEN DISCUSSES POSSIBLE THREATS TO BOTH THE SYSTEM AS A WHOLE AND TO INDIVIDUAL ZONES. CHARTS SUMMARIZE THESE DATA AND PRESENT A 'THREAT INDEX,' BASED ON THE POSSIBILITY THAT THE EVENT COULD TAKE PLACE, NUMBER OF ZONES AFFECTED, AND DAMAGE WHICH COULD BE CAUSED. A CASE EXAMPLE ILLUSTRATES THREAT ASSESSMENT AND DESIGN OF DEFENSE TACTICS. ELECTRONIC SAFEGUARDS AND COMPUTER SECURITY MEASURES ARE DESCRIBED AND EVALUATED. APPENDIXES PROVIDE PROFILES OF COMPANIES ASSISTING IN THE GATHERING OF DATA, A LISTING OF REPRESENTATIVE DEFENSES AVAILABLE OR PLANNED, COMMENTS ON CARD SECURITY IDENTIFICATION MEASURES, AND A PROFILE OF SECURITY ELEMENTS.

Sponsoring Agencies: NATIONAL TELECOMMUNICATION AND INFORMATION ADMINISTRATION, 1800 G STREET, NW, WASHINGTON DC 20006; ELECTRONIC INDUSTRIES FOUNDATION, 2001 EYE STREET, NW, WASHINGTON DC 20006.

Availability: NTIS. Accession No. PB 279 985. (Microfiche)

174. **L. I. KRAUSS and A. MACGAHAN. COMPUTER FRAUD AND COUNTERMEASURES.** PRENTICE-HALL, ENGLEWOOD CLIFFS NJ 07632. 524 p. 1979. **NCJ-57129**

COMPUTER FRAUD, DETECTION, AND PREVENTION ARE DEALT WITH IN THIS TEXT INTENDED FOR BUSINESS EXECUTIVES, FINANCIAL AND ADMINISTRATIVE OFFICERS, DATA PROCESSING MANAGERS AND SYSTEM ANALYSTS, AUDITORS, AND LAW ENFORCEMENT PERSONNEL. THIS THEORY OF COMPUTER FRAUD SHOWS THAT A COMPANY'S PROBABILITY OF BEING VICTIMIZED IS A FUNCTION OF THREE VARIABLES: THE DISHONESTY OF THE WOULD-BE PERPETRATOR, THE OPPORTUNITY THE COMPANY PROVIDES BY POSSESSING INADEQUATE CONTROLS, AND THE WOULD-BE PERPETRATOR'S UNDERLYING MOTIVE FOR COMMITTING FRAUD. MEASURES TO MINIMIZE THESE FACTORS ARE OUTLINED. COMPANIES CAN REDUCE THE AMOUNT OF DISHONESTY AMONG DIRECTORS, OFFICERS, AND PERSONNEL BY FORMULATING WRITTEN POLICIES, GUIDELINES, AND STANDARDS AND DEVELOPING WELL-DESIGNED PERSONNEL PRACTICES (PREEMPLOYMENT SCREENING, POLICIES ON THE NONUSE OR DISCLOSURE OF CONFIDENTIAL INFORMATION, VACATION AND JOB ROTATION POLICIES, CHANNELS FOR ADDRESSING GRIEVANCES, AND PERSONNEL REVIEW PROCEDURES) DIRECTED TOWARD MAINTAINING PERSONNEL INTEGRITY AND JOB SATISFACTION. ADMINISTRATIVE AND INTERNAL CONTROLS WHICH CAN REDUCE COMPANY RISK INCLUDE INPUT, OUTPUT, ADJUSTMENT AND ERROR CORRECTION CONTROLS DESIGNED INTO THE SYSTEM, MANAGEMENT REPORTING, AND DOCUMENTATION. SAFEGUARDS AND TECHNIQUES BEING DEVELOPED PARTICULARLY FOR COMPUTER SECURITY INCLUDE TERMINAL PHYSICAL SECURITY DEVICES AND USER IDENTIFICATION AND AUTHENTICATION FEATURES. THERE ARE THREE BASIC FORMS OF COMPUTER FRAUD: (1) INPUT TRANSACTION MANIPULATION, (2) UNAUTHORIZED PROGRAM MODIFICATION, AND (3) FILE ALTERATION AND SUBSTITUTION. COUNTERMEASURES FOR EACH OF THESE FORMS ARE DESCRIBED. LOSS RECOVERY THROUGH FRAUD INSURANCE AND FRAUD DETECTION AND INVESTIGATION ARE DISCUSSED; PRACTICAL WAYS TO PLAN INVESTIGATIONS, RECOGNIZE CLUES, USE COVERT INVESTIGATIVE METHODS, AND QUESTION SUSPECTS AND WITNESSES ARE PROVIDED. THE BOOK ALSO DESCRIBES FEDERAL CRIMINAL LAWS AND EVIDENCE RULES ON INVESTIGATING COMPUTER FRAUD. APPENDIXES CONTAIN SAMPLE CONTROL AND EVALUATION FORMS AND TABLES, SOURCES OF SOFTWARE AIDS AND A DISCUSSION OF THE ATTRIBUTES OF 15 SOFTWARE PACKAGES, A SAMPLE CONFESSION FORM, AND OTHER INVESTIGATIVE AIDS.

Availability: PRENTICE-HALL, ENGLEWOOD CLIFFS NJ 07632.

175. **S. W. LEIBHOLZ and L. D. WILSON. USERS' GUIDE TO COMPUTER CRIME—ITS COMMISSION, DETECTION AND PREVENTION.** 216 p. 1974. **NCJ-15251**

DETAILED ACCOUNT OF HOW COMPUTERS HAVE BEEN USED IN A VARIETY OF CRIMINAL ACTIVITIES AND HOW OPERATING AND FINANCIAL EXECUTIVES CAN DETECT AND PREVENT ABUSES. THE FIRST CHAPTERS PRESENT THE BASIC PROBLEMS AS THEY EXIST TODAY AND ARE ILLUSTRATED BY MORE THAN 50 CASE HISTORIES WHICH INCLUDE WHAT MAY BE THE BIGGEST, YET DISCOVERED COMPUTER CRIME—EQUITY FUNDING. WAYS OF ATTAINING A REASONABLE DEGREE OF PROTECTION FROM SUCH LOSSES ARE THEN DISCUSSED AND THE AUTHORS PROVIDE SPECIFIC MEASURES THAT CAN BE TAKEN, AS WELL AS GENERAL OPERATING PRINCIPLES THAT SHOULD BE PRACTICED IN ORDER TO ACHIEVE PROTECTION. THEY THEN PRESENT METHODS OF DETECTING CRIMINAL ACTIVITIES AS WELL AS THE AUDITING AND LEGAL IMPLICATIONS OF COMPUTER USE. HOW TO DETECT CRIMINAL ACTIVITY, PROSECUTION POSSIBILITIES AND THE RESPONSIBILITIES OF A COMPUTER SYSTEM USER ARE DISCUSSED. THE CONCLUDING CHAPTERS PROVIDE PROGRAMS OF ACTION REQUIRED BY COMPUTER USERS AND PROGRAMS IN THE ACCOUNTING AND LEGISLATIVE AREAS THAT ARE REQUIRED FOR THE REASONABLE FUTURE DEVELOPMENT OF COMPUTER DATA SECURITY. THE APPENDIXES INCLUDE A CHECKLIST OF ITEMS TO BE ACCOUNTED FOR AND ACTED UPON IN ESTABLISHING PROPER SECURITY OF THE DATA PROCESSING OPERATIONS, A REPRINT OF THE FIRST OF 105 COUNTS IN THE

EQUITY FUNDING INDICTMENT, AND A BRIEF SURVEY OF PROGRAMMER ETHICS. (AUTHOR ABSTRACT MODIFIED)
Availability: CHILTON BOOK COMPANY, CHILTON WAY, RADNOR PA 19089.

176. **G. MCKNIGHT. COMPUTER CRIME.** 221 p. 1973. **NCJ-15287**
A SERIES OF CASE STUDIES THAT DESCRIBE INCIDENTS OF COMPUTER AIDED LARCENY AND EMBEZZLEMENT. THE AUTHOR TELLS THE STORY OF RECENT COMPUTER-AGE FELONIES SUCH AS AN INTERNATIONAL BANK ROBBERY BY CABLED COMPUTER CODES, JET-AGE CREDIT CARD SWINDLES, THE HOLDING OF COMPUTERS HOSTAGE FOR POLITICAL GOALS, AND THE STEADY MILKING OF COMPUTERIZED ACCOUNTS BY INSIDERS. IN ONE INCIDENT A GROUP OF COMPUTER TECHNICIANS FORCED A SUBSTANTIAL RAISE BY THREATENING TO BANKRUPT THEIR COMPANY BY SABOTAGING THE COMPUTER MEMORY.
Availability: WALKER, 720 FIFTH AVENUE, NEW YORK NY 10019.

177. **NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS. CONSUMER ISSUES IN EFT (ELECTRONIC FUND TRANSFERS), PART 1—TESTIMONY PRESENTED TO THE NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS, OCTOBER 26, 1976.** 480 p. 1977. **NCJ-46834**
TESTIMONY BEFORE THE NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS BY REPRESENTATIVES OF VARIOUS COMMERCIAL, POLITICAL, SOCIAL, AND ACADEMIC INSTITUTIONS IS PRESENTED REGARDING CONSUMER ISSUES. RECOGNIZING THE IMPORTANCE OF CONSUMER ISSUES INHERENT IN THE SPREAD OF ELECTRONIC FUND TRANSFER (EFT) SYSTEMS, THE U.S. CONGRESS CREATED THE NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS AND CHARGED IT WITH THE INVESTIGATION OF THE IMPACT OF EFT ON THE CONSUMER. SPECIFICALLY, THE ENABLING LEGISLATION REQUIRES THAT THE COMMISSION TAKE INTO ACCOUNT: (1) THE NEED TO AFFORD MAXIMUM USER AND CONSUMER CONVENIENCE; (2) THE NEED TO AFFORD MAXIMUM USER AND CONSUMER RIGHTS TO PRIVACY AND CONFIDENTIALITY; AND (3) IMPLICATIONS OF SUCH SYSTEMS ON THE AVAILABILITY OF CREDIT. THE CONSUMER ASPECTS OF EFT FALL INTO FIVE MAJOR AREAS: THE RIGHT OF PRIVACY, SECURITY, LEGAL RIGHTS AND DUTIES, CONSUMER CHOICE, AND CONSUMER CONVENIENCE. IN THIS REGARD, THE TESTIMONY OF CONSUMER GROUPS, STATE AND FEDERAL CONSUMER PROTECTION GROUPS, FINANCIAL AND NONFINANCIAL INSTITUTIONS WITH CONSUMER EXPERIENCE, TRADE AND INDUSTRY ASSOCIATIONS, AND THE PUBLIC AT-LARGE WAS SOLICITED DURING OPEN HEARINGS. THE VERBATIM TESTIMONY OF THE FOLLOWING GROUPS AND INSTITUTIONS IS PRESENTED: COLUMBIA UNIVERSITY, THE INDEPENDENT BANKERS ASSOCIATION OF AMERICA, THE PROVIDENT NATIONAL BANK, THE AMERICAN CIVIL LIBERTIES UNION, THE MASSACHUSETTS COMMISSIONER OF BANKS, THE SENATE CORPORATE AND ECONOMIC DEVELOPMENT COMMITTEE, THE SYRACUSE (N.Y.) OFFICE OF CONSUMER AFFAIRS, THE NATIONAL CONSUMER FINANCE ASSOCIATION, THE NATIONAL CONSUMER INFORMATION CENTER, THE SUBCOMMITTEE OF THE EDITORIAL BOARD OF THE UNIFORM COMMERCIAL CODE, THE NATIONAL ASSOCIATION OF FOOD CHAINS AND SUPERMARKET INSTITUTE, AND THE MERCANTILE BANK SHARES CORPORATION. LISTS OF BOTH THE COMMISSIONERS AND THE COMMISSION STAFF ARE PROVIDED.
Availability: NTIS Accession No. PB-275 064; NCJRS MICROFICHE PROGRAM.

178. **S. H. NYCUM. CRIMINAL LAW ASPECTS OF COMPUTER ABUSE—PART 1—STATE PENAL LAWS.** RUTGERS UNIVERSITY SCHOOL OF LAW, 180 UNIVERSITY AVENUE, NEWARK NJ 07102. *RUTGERS JOURNAL OF COMPUTERS AND THE LAW,* V 5, N 2 (1976), P 271-295. **NCJ-38161**
THIS ARTICLE FOCUSES ON SELECTED ASPECTS OF COMPUTER SOFTWARE ABUSE WHICH ARE SPECIFICALLY OR INFERENTIALLY PROSCRIBED BY STATE PENAL LAWS. THE ABUSES OF GREATEST CONCERN—MISAPPROPRIATION OF SOFTWARE THROUGH UTILIZATION OF A REMOTE TERMINAL OR DIRECT ACCESS TO A COMPUTATION CENTER OR SOFTWARE STORAGE FACILITY AND OBLITERATION OR BUGGING OF SOFTWARE—ARE FIRST ENUMERATED. EXISTING CASE LAW AND LEGAL THEORIES ON SOFTWARE AS PROPERTY PROTECTED BY PENAL SANCTIONS ARE THEN EXPLORED. IN ADDITION, THE STATUTES OF CERTAIN COMPUTER-INTENSIVE STATES WHICH BEAR DIRECTLY OR INDIRECTLY ON MAJOR ABUSES ARE ANALYZED. STATUTES OF CALIFORNIA, NEW YORK, NEW JERSEY, TEXAS, PENNSYLVANIA, MASSACHUSETTS, ILLINOIS, DELAWARE, FLORIDA, VIRGINIA, AND THE DISTRICT OF COLUMBIA ARE NOTED. SUGGESTED AREAS FOR FUTURE STUDY INCLUDE THE DRAFTING AND TESTING OF MODEL UNIFORM LEGISLATION BASED ON THE EXISTING STATE LAWS AND THE SEVERAL HUNDRED RESEARCHED CASES OF COMPUTER ABUSE. FOR PART TWO OF THIS ARTICLE, SEE NCJ-38162. (AUTHOR ABSTRACT MODIFIED)

179. **S. H. NYCUM. CRIMINAL LAW ASPECTS OF COMPUTER ABUSE—PART 2—FEDERAL CRIMINAL CODE.** RUTGERS UNIVERSITY SCHOOL OF LAW, 180 UNIVERSITY AVENUE, NEWARK NJ 07102. *RUTGERS JOURNAL OF COMPUTERS AND THE LAW,* V 5, N 2 (1976), P 297-322. **NCJ-38162**
THIS ARTICLE FOCUSES ON THE APPLICABILITY OF THE FEDERAL CRIMINAL CODE, TITLE 18 OF THE UNITED STATES CODE, TO POTENTIAL CRIMINAL ABUSES OF COMPUTER SOFTWARE. A BRIEF INTRODUCTION DISCUSSES THE STRUCTURE AND JURISDICTIONAL BASES OF THE CODE AND THE STATUS OF PROPOSED REVISIONS. THE RELATION OF THE FEDERAL CRIMINAL CODE TO STATE CRIMINAL CODES IS THEN DISCUSSED, SPECIFICALLY WITH REGARD TO ASSIMILATED CRIMES (THOSE STATE-DEFINED OFFENSES COMMITTED IN FEDERAL ENCLAVES WHICH MAY BE PROSECUTED FEDERALLY) AND MULTIPLE JURISDICTIONS. APPROXIMATELY 40 FEDERAL CRIMES WHICH MAY BE APPLICABLE TO COMPUTER ABUSE ARE ALSO ANALYZED. THEY ARE GROUPED INTO SEVEN BROAD CATEGORIES—THEFT AND RELATED OFFENSES, ABUSE OF FEDERAL CHANNELS OF COMMUNICATION, NATIONAL SECURITY OFFENSES, TRESPASS AND BURGLARY, DECEPTIVE PRACTICES, MALICIOUS MISCHIEF AND RELATED OFFENSES, AND MISCELLANEOUS. FOR PART ONE, 'STATE PENAL LAWS,' SEE NCJ-38162. (AUTHOR ABSTRACT MODIFIED)

180. **D. B. PARKER. COMPUTER ABUSE PERPETRATORS AND VULNERABILITIES OF COMPUTER SYSTEMS.** STANFORD RESEARCH INSTITUTE, 333 RAVENSWOOD AVENUE, MENLO PARK CA 94025. 27 p. 1975. **NCJ-40385**
THE REPORT PRESENTS A TYPOLOGY OF CRIMINAL COMPUTER ABUSERS, POINTS OUT VARIOUS ASPECTS OF COMPUTER SYSTEMS THAT FACILITATE ABUSE, AND SUGGESTS PREVENTIVE MEASURES THAT MAY BE TAKEN. ANALYSIS OF COMPUTER ABUSE EXPERIENCE IS VALUABLE IN THREAT AND RISK STUDIES PERFORMED TO DEVELOP APPROPRIATE SAFEGUARDS IN COMPUTER USE. A PROFILE OF COMPUTER ABUSE PERPETRATORS HAS BEEN DEVELOPED ON THE BASIS OF INTERVIEWS WITH 17 OFFENDERS INVOLVED IN A TOTAL OF 15 CASES. COMMON CHARACTERISTICS, OCCUPATIONS, AND MODUS OPERANDI ARE DOCUMENTED AND ANALYZED. COMPUTER SYSTEMS' AND USER ORGANIZATIONS' VULNERABILITIES THAT FACILITATED PERPETRATORS' ACTIONS ARE ALSO DESCRIBED, BASED ON STUDY OF 375 REPORTED CASES OF ABUSE. EIGHT MAIN VULNERABLE FUNCTIONS AND NINE MAIN VULNERABLE FUNCTIONAL LOCATIONS ARE IDENTIFIED AND RANKED BY INCIDENCE OF OCCURRENCE. EACH VULNERABILITY IS DESCRIBED BY EXAM-

PLES IN THE FORMS OF BRIEF CASE DESCRIPTION. FINALLY, PRIORITIES FOR SAFEGUARDS ARE DEDUCED FROM THE RESULTS OF THE STUDY. TABLES AND AN APPENDIX CONTAINING EXAMPLES FROM THE CASE FILES ARE INCLUDED. (AUTHOR ABSTRACT)

Sponsoring Agency: NATIONAL SCIENCE FOUNDATION, 1800 G STREET, NW, WASHINGTON DC 20550.

Availability: NCJRS MICROFICHE PROGRAM.

181. **D. B. PARKER. CRIME BY COMPUTER.** 320 p. 1976. **NCJ-35110**

CASE HISTORIES OF INGENIOUS COMPUTER-AIDED CRIMES ARE PRESENTED. WRITTEN IN A STYLE AND USING LANGUAGE EASILY UNDERSTOOD BY A PERSON WITH MINIMAL COMPREHENSION OF COMPUTER JARGON, ENOUGH SPECIFIC INFORMATION IS PROVIDED TO MAKE THE READER AWARE OF FAULTS IN COMPUTER HARDWARE AND SOFTWARE DESIGN AND TO SUGGEST WAYS THAT THESE SECURITY LOOPHOLES MAY BE CLOSED. AMONG THE EXAMPLES USED ARE A KIDNAPPING WITH PAYMENT MADE THROUGH AUTOMATED BANK STATIONS, THE INFAMOUS EQUITY FUNDING INSURANCE FRAUD, THE FIRST PROSECUTED CASE OF COMPUTER SOFTWARE THEFT THROUGH TELEPHONE TERMINALS, AND A CASE OF ARSON OF A COMPUTER INSTALLATION. OTHER CRIMES AIDED BY OR PERPETRATED ON COMPUTERS INCLUDE EMBEZZLEMENT, BANK THEFT, DATA ERADICATION, CONSUMER ABUSE, GAMBLING WITH THE ILLEGAL AID OF COMPUTERS, AND VIOLATIONS OF DATA PRIVACY CONCERNING MENTAL PATIENTS.

Availability: CHARLES SCRIBNER'S SONS, 597 FIFTH AVENUE, NEW YORK NY 10017.

182. **D. B. PARKER and S. NYCUM. COMPUTER ABUSE.** STANFORD RESEARCH INSTITUTE, 333 RAVENSWOOD AVENUE, MENLO PARK CA 94025. 140 p. 1973. **NCJ-14453**

OVERVIEW OF THE PROBLEM OF ACTS ASSOCIATED WITH COMPUTERS AND DATA COMMUNICATION IN WHICH VICTIMS SUFFER OR COULD HAVE SUFFERED LOSS, INJURY, OR DAMAGE. A GENERAL VIEW OF COMPUTER ABUSE--TECHNICAL, LEGAL, AND SOCIOLOGICAL PERSPECTIVES--IS PRESENTED. IT IS THE FIRST ATTEMPT TO DOCUMENT AND DEFINE THE PROBLEM, BASED ON A TYPOLOGY OF REPORTED CASES AND INVESTIGATION IN DETAIL OF SEVERAL OF THEM. THE PURPOSE OF THE REPORT IS TO ALERT BUSINESS AND GOVERNMENT USERS OF COMPUTERS AND THE TECHNOLOGICAL AND SOCIOLOGICAL RESEARCH COMMUNITY OF THE SERIOUSNESS, EXTENT, AND POTENTIAL OF COMPUTER ABUSE AS A NEW AND EMERGING SOCIAL AND TECHNOLOGICAL PROBLEM. BEGINNING WITH A DISCUSSION OF THE FUNDAMENTALS OF COMPUTER TECHNOLOGY AND ABUSE, THE DOCUMENT PRESENTS A TYPOLOGY AND MODELS OF COMPUTER ABUSE. FOUR BRIEF STUDIES ARE DESCRIBED CONCERNING BANK EMBEZZLEMENT BY COMPUTER, COMPUTER ABUSE IN GOVERNMENT, MULTI-ACCESS COMPUTER ABUSE, AND CONSUMER AND BUSINESS COMPUTER FRAUD. LEGAL ASPECTS AND THE SOCIAL IMPLICATIONS OF COMPUTER RELATED CRIME ARE EXAMINED AND THE FUTURE OF COMPUTER ABUSE IS PREDICTED. APPENDIXES CONTAIN A REPORT OF THE FIRST NATIONAL INVITATIONAL CONFERENCE ON COMPUTER ABUSE, A BRIEF SURVEY OF COMPUTER PROGRAMMER ETHICS AND HONESTY, AND, SUMMARIES OF 148 CASES OF REPORTED COMPUTER ABUSE THAT FORM THE BASIS FOR A CONTINUING STUDY BY STANFORD RESEARCH INSTITUTE.

Sponsoring Agency: NATIONAL SCIENCE FOUNDATION, 1800 G STREET, NW, WASHINGTON DC 20550.

Availability: NTIS Accession No. PB 231 320; NCJRS MICROFICHE PROGRAM.

183. **R. L. PATRICK. AFIPS (AMERICAN FEDERATION OF INFORMATION PROCESSING SOCIETIES) SYSTEM REVIEW MANUAL ON SECURITY.** AFIPS PRESS, 210 SUMMIT AVENUE, MONTVALE NJ 07645. 109 p. 1974. **NCJ-25869**

A MANUAL FOR MANAGERS OF COMPUTER INSTALLATIONS, DESIGNED SO THAT THEY CAN ASSESS THE LEVEL OF SECURITY AND PRIVACY SAFEGUARDS AND DETERMINE IF MORE ARE NECESSARY. THE MANUAL PRESENTS A RANGE OF CHOICES FOR SECURITY AND PRIVACY CONSIDERATIONS SO THAT THE READER CAN WEIGH THE POTENTIAL BENEFITS OF MODIFICATIONS TO HIS SYSTEM AGAINST THE COSTS. THE FIRST FEW CHAPTERS ARE DESIGNED TO EXPLAIN THE THREATS TO COMPUTER INSTALLATION AND SOFTWARE SECURITY AND TO EXPLAIN THE RISKS INVOLVED IF THE SECURITY IS BREACHED. THE FINAL TEN CHAPTERS CONTAIN CHECKLISTS OF DETAILED QUESTIONS RELATED TO THE FOLLOWING TOPICS: PERSONNEL, PHYSICAL FACILITY, OPERATING SYSTEMS, ACCESS CONTROLS, PROGRAMS, COMMUNICATIONS, STORAGE, INPUT/OUTPUT, INSURANCE, AND SUPPLEMENTARY TOPICS.

Availability: AFIPS PRESS, 210 SUMMIT AVENUE, MONTVALE NJ 07645.

184. **G. W. REIMHERR, Ed. COMPUTER INFORMATION SECURITY AND PROTECTION—CITATIONS FROM THE ENGINEERING INDEX DATA BASE.** NTIS (SEE NATL TECHNICAL INFORMATION SERV). 190 p. 1978. **NCJ-51672**

THIS BIBLIOGRAPHY OF WORLDWIDE RESEARCH CONTAINS 182 ABSTRACTS, 24 OF WHICH ARE NOT INCLUDED IN PREVIOUS EDITIONS. THEY COVER VARIOUS ASPECTS OF COMPUTER DATA SECURITY AND PRIVACY. TOPICS COVERED INCLUDE ARCHITECTURAL SECURITY, SOFTWARE SECURITY, PERSONAL PRIVACY, RELIABILITY OF SECURITY PROCEDURES, PROTECTION AGAINST NATURAL DISASTERS, AUDITS, ELECTRONIC CRIME, AND HARDWARE DEVICES TO PROTECT COMPUTER SECURITY. BOOKS, TECHNICAL ARTICLES, REPORTS, AND RESEARCH PAPERS FROM THE UNITED STATES, GREAT BRITAIN, AUSTRALIA, SWEDEN, AND GERMANY ARE INCLUDED. MOST ENTRIES HAVE BEEN PUBLISHED SINCE 1970. ALL ABSTRACTS ARE IN ENGLISH. (AUTHOR ABSTRACT MODIFIED)

Supplemental Notes: SUPERSEDES NTIS/PS-77/0630 AND NTIS/PS-78/0563 FOR THE COMPANION PUBLISHED SEARCHES OF NTIS DATA BASE SEE NTIS/PS-78/0859 AND NTIS/PS-78/0860.

Availability: NTIS. Accession No. NTIS/PS-78/0861.

185. **REYMONT ASSOCIATES, 29 REYMONT AVENUE, RYE NY 10580. DETECTING AND PREVENTING MISUSE OF DATA PROCESSING SYSTEMS.** 24 p. 1978. **NCJ-54449**

PROBLEMS OF COMPUTER FRAUD AND VIOLATIONS OF INFORMATION PRIVACY, AS EXPERIENCED BY DATA PROCESSING MANAGERS, SYSTEMS DESIGNERS, AND ELECTRONIC DATA PROCESSING (EDP) AUDITORS, ARE DISCUSSED. MAJOR TYPES OF COMPUTER RESOURCES TO BE PROTECTED ARE INTELLECTUAL PROPERTY (DATA AND PROGRAMS), PHYSICAL PROPERTY (EQUIPMENT AND SUPPLIES), AND COMPUTER SERVICES AND PROCESSES. MISUSES OF INTELLECTUAL PROPERTY CONCERN UNAUTHORIZED MODIFICATION, DESTRUCTION, AND DISCLOSURE. WITH REGARD TO PHYSICAL PROPERTY, MISUSES INCLUDE UNAUTHORIZED MODIFICATION AND THEFT. MISUSES PERTAINING TO SERVICES AND PROCESSES INVOLVE UNAUTHORIZED USE OR DENIAL OF AUTHORIZED USE. DATA SECURITY MEANS KEEPING UNAUTHORIZED PERSONS OUT OF A SYSTEM AND PROTECTING AGAINST FRAUD. IT IS NECESSARY THAT AN ORGANIZATION HAVE AN OVERALL COMPUTER SECURITY PROGRAM WITHIN WHICH PROCEDURES CAN OPERATE, BASED ON MANAGEMENT POLICY AND SUPPORT. BASIC ELEMENTS IN A SECURITY PROGRAM ARE DELINEATED, INCLUDING COMPUTER SECURITY POLICY AND CONTROL, THE EDP

AUDIT FUNCTION, SYSTEM DESIGN STANDARDS, CONTRACTS, INSURANCE, AND IMPLEMENTATION STRATEGIES. INTERNAL EXPOSURE AREAS OR SYSTEM VULNERABILITIES THAT CAN RESULT FROM UNAUTHORIZED ACTIONS OF INTERNAL PERSONNEL OR OUTSIDERS ARE MODIFICATION OR DESTRUCTION OF DATA, DISCLOSURE OF STORED DATA, AND MODIFICATION DESTRUCTION, OR DISCLOSURE OF PROGRAMS. EXTERNAL VULNERABLE AREAS INCLUDE MODIFICATION, DISCLOSURE, OR DESTRUCTION OF DATA STORED EXTERNAL TO A SYSTEM, MODIFICATION OR DESTRUCTION OF PROGRAMS EXTERNAL TO A SYSTEM, DISCLOSURE OF PROGRAMS STORED EXTERNAL TO A SYSTEM, MODIFICATION OR DESTRUCTION OF COMPUTER EQUIPMENT OR SUPPLIES, AND USE OF COMPUTER SYSTEM SERVICES. CAPSULE DESCRIPTIONS OF 83 PROCEDURES OR ACTIONS AIMED AT DETECTING AND/OR PREVENTING MISUSE OF DATA PROCESSING SYSTEMS ARE PROVIDED; E.G., JOB ROTATION, INPUT-OUTPUT VOLUME COMPARISON AGAINST PREDICTED REQUIREMENTS, AUDITS WITH TEST DATA, OPERATIONS AREA SURVEILLANCE, ALARM SYSTEMS, PASSWORD PROTECTION SYSTEM, SENSITIVE FILE ACCESS LOG, OFF-HOUR TERMINAL DISCONNECT, AND LOCKABLE INPUT-OUTPUT DATA STORAGE.

Availability: REYMONT ASSOCIATES, 29 REYMONT AVENUE, RYE NY 10580.

186. **B. RUDER and J. D. MADDEN. COMPUTER SCIENCE AND TECHNOLOGY—AN ANALYSIS OF COMPUTER SECURITY SAFEGUARDS FOR DETECTING AND PREVENTING INTENTIONAL COMPUTER MISUSE.** ST LOUIS UNIVERSITY SCHOOL OF LAW, 3642 LINDELL BOULEVARD, ST LOUIS MO 63108. 80 p. 1978. **NCJ-46832**

THE USE OF AN EXTENSIVE FILE OF ACTUAL CASES OF COMPUTER MISUSE AS A BASIS TO DEVELOP RANKED LISTS OF COMPUTER SAFEGUARDS THAT WOULD HAVE PREVENTED OR DETECTED THE RECORDED INTENTIONS IS REPORTED. A TAXONOMY OF COMPUTER VULNERABILITY WAS DEVELOPED AND IT FORMED THE BASIS FOR A DEFINITION OF INTENTIONAL COMPUTER MISUSE. AS A WORKING DEFINITION, COMPUTER MISUSE IS DEFINED AS AN INTENTIONAL ACT DIRECTED AT OR COMMITTED WITH A COMPUTER SYSTEM OR ITS ASSOCIATED EXTERNAL DATA OR PROGRAM ACTIVITIES IN WHICH THERE IS UNAUTHORIZED MODIFICATION, DISCLOSURE, DESTRUCTION OR THEFT OF DATA, PROGRAMS, EQUIPMENT, SUPPLIES, OR UNAUTHORIZED USE OR DENIAL OF A COMPUTER SERVICE OR PROCESS. THE CASE FILE OF COMPUTER MISUSE WAS REVIEWED AND CASES WERE DISTRIBUTED INTO APPROPRIATE VULNERABILITY CATEGORIES. NEXT THE CASE FILES WERE REVIEWED TO IDENTIFY THE PREVENTION AND SAFEGUARD MECHANISM IN EACH CASE THAT WOULD HAVE MITIGATED THE MISUSES. A SAFEGUARD MODEL BASED ON ORGANIZATIONAL STRUCTURE WAS DEVELOPED TO PROVIDE A BASIS FOR DESCRIBING, IDENTIFYING, AND DISTRIBUTING EACH SAFEGUARD. ACCORDINGLY, SAFEGUARD WERE CLASSIFIED INTO CATEGORIES BEARING THE NAMES OF THE ORGANIZATIONAL ELEMENT RESPONSIBLE FOR STARTING OR CARRYING OUT THE SAFEGUARD. THIS TYPE OF MODEL ALLOWS USERS TO CHANGE THE MODEL TO REFLECT THE STRUCTURE OF THEIR ORGANIZATION. FURTHER, IT EMPHASIZES THAT COMPUTER SECURITY IS AN ORGANIZATIONAL PROBLEM AND NOT JUST A DATA PROCESSING OR INTERNAL AUDIT PROBLEM. IN ADDITION, LISTS ARE PROVIDED RANKING PREVENTION AND DETECTION SAFEGUARDS WITHIN A VULNERABILITY CATEGORY, WITH AN EXPLANATION OF THE METHOD OF APPROACH USED TO ARRIVE AT THE LISTS. THE RANKING OF NECESSITY IS NOT ABSOLUTE AND REFLECTS THE APPLICABILITY OF THE SAFEGUARDS AGAINST PAST CASES OF MISUSE. A LIST OF 88 COMPUTER SAFEGUARDS IS GIVEN IN AN APPENDIX.

Sponsoring Agency: NATIONAL BUREAU OF STANDARDS (SEE US DEPARTMENT OF COMMERCE, NATIONAL BUREAU OF STANDARDS).

Availability: NTIS Accession No. PB 275 514 (Microfiche); NCJRS MICROFICHE PROGRAM.

187. **T. A. SCHABECK. COMPUTER CRIME INVESTIGATION, PART 1.** TERRITORIAL IMPERATIVE, INC. *ASSETS PROTECTION,* V 2, N 2 (SPRING 1977), P 11-16. **NCJ-41264**

FOCUSING ON THE FORENSIC INVESTIGATIVE APPROACH TO SOLVING COMPUTER-RELATED CRIMES, THE AUTHOR DISCUSSES TECHNIQUES FOR EVALUATING COMPUTER INPUT AND OUTPUT DOCUMENTARY EVIDENCE. AFTER DEFINING COMPUTER CRIME AS THE MOST LUCRATIVE OF ALL CRIMES, THE AUTHOR ILLUSTRATES HIS QUALIFICATION WITH EXAMPLES OF COMPUTER FRAUD THAT WERE PERPETRATED BY MODIFICATION OF COMPUTER INPUT SOURCE DOCUMENTS SUCH AS VOUCHERS, CLAIM TRANSACTIONS, AND KEYPUNCH CARDS. ALSO COVERED ARE DOCUMENT AGE INDICATORS, TEXTUAL CONTENT, PHOTOCOPYING, AND WRITING MEDIA. A COMPUTER FLOW CHART ILLUSTRATES VARIOUS POINTS IN A COMPUTER ORIENTED PROCESS WHERE FALSIFICATIONS CAN BE INTRODUCED.

188. **T. A. SCHABECK. COMPUTER CRIME INVESTIGATION, PART 2.** TERRITORIAL IMPERATIVE, INC. *ASSETS PROTECTION,* V 2, N 3 (FALL 1977), P 6-11. **NCJ-44885**

PART 2 OF A SERIES ON FORENSIC APPROACHES TO COMPUTER CRIME INVESTIGATION COVERS THE ANALYSIS OF DOCUMENTARY EVIDENCE IN COMPUTER-RELATED CRIMES. THE DISCUSSION OPENS WITH A REVIEW OF PHOTOGRAPHIC EQUIPMENT AND TECHNIQUES AVAILABLE TO THE DOCUMENT EXAMINER FOR USE IN DECIPHERING CHARRED OR BURNED PAPER, BLOCKED WRITING, ERASURES, FORGERIES, AND INVISIBLE WRITING. THESE INCLUDE PHOTOMACROGRAPHY, PHOTOMICROGRAPHY, TRANSPARENCIES, FILTER PHOTOGRAPHY, ULTRAVIOLET RADIATION, INFRARED PHOTOGRAPHY, X-RAYS, AND ELECTRON RADIOGRAPHY. TECHNIQUES FOR EXAMINING INDENTATIONS PRODUCED ON UNDER-SHEETS AND FOR DETERMINING WHETHER THE CONTENT OF AN ORIGINAL DOCUMENT HAS BEEN ALTERED ARE NOTED. THE LIMITED APPLICATIONS OF HANDWRITING ANALYSIS IN CRIMES INVOLVING DATA-PROCESSING MATERIALS ARE POINTED OUT, AS ARE METHODS OF RECOVERING LATENT FINGERPRINTS FROM INPUT DOCUMENTS AND FROM COMPUTER-PRINTED OUTPUT REPORTS. APPROACHES TO TRACING SOURCE DOCUMENTS BACK TO A SPECIFIC TYPEWRITER (E.G., INSURANCE CLAIMS, HOSPITAL ADMISSIONS AND BILLING, LICENSE REGISTRATIONS, CREDIT APPLICATIONS) ARE DISCUSSED. THE CHARACTERISTICS OF THE IMAGES PRODUCED BY VARIOUS KINDS OF COMPUTER PRINTERS (TYPEWRITER, NONIMPACT, AND LINE) ARE DESCRIBED. INVESTIGATIVE TECHNIQUES OF USE IN IDENTIFYING COMPUTER PRINTERS ARE ENUMERATED. METHODS OF EXAMINING PRINTER RIBBONS, PAPER AND INK, AND TEETHMARKS (ON PENCILS, CARDS, CODING SHEETS, ETC.) ARE NOTED, AS ARE METHODS OF PHYSICALLY MATCHING TORN PIECES OF QUESTIONED CARDS, SOURCE DOCUMENTS, OR PRINTOUTS. FOR PARTS 1 AND 3, SEE NCJ 41264 AND 45026.

189. **T. A. SCHABECK. COMPUTER CRIME INVESTIGATION, PART 3.** TERRITORIAL IMPERATIVE, INC. *ASSETS PROTECTION,* V 2, N 4 (WINTER 1977), P 5-7. **NCJ-45026**

PART 3 OF A SERIES ON THE FORENSIC APPROACH TO COMPUTER CRIME INVESTIGATION COVERS THE PHYSICAL CHARACTERISTICS OF MAGNETIC MEDIA AND THE INVESTIGATION OF CRIMES INVOLVING MAGNETIC MEDIA. MAGNETIC STORAGE MEDIA ARE DIVIDED INTO FOUR CATEGORIES:

MAGNETIC TAPE; CASSETTE TAPE; DISKETTES; AND MASS STORAGE DEVICES. MAGNETIC STORAGE MEDIA ARE USED BY LARGE-SCALE AND MINICOMPUTER SYSTEMS FOR SYSTEM INPUT, DATA STORAGE, PROGRAM STORAGE, AND SYSTEM OUTPUT. DUE TO THE AMOUNT OF INFORMATION THAT CAN BE STORED ON A MAGNETIC TAPE AND THE RELATIVE EASE OF CONCEALMENT, THE TAPE HAS BEEN EXTREMELY VALUABLE TO COMPUTER CRIMINALS IN EXTORTION (HOLDING VALUABLE TAPES FOR RANSOM); THEFT (STEALING CUSTOMER OR MAILING LISTS AND SELLING THEM TO COMPETITORS); ESPIONAGE (INDUSTRIAL AND GOVERNMENTAL); AND SABOTAGE (ERASING TAPE LABELS AND DATA. VARIOUS CRIME LABORATORY TECHNIQUES MAY BE USED TO ANALYZE A MAGNETIC TAPE, CASSETTE, OR DISKETTE THAT HAS BEEN USED IN A CRIME. THE OBJECTIVES OF THE LABORATORY ANALYSIS ARE TO IDENTIFY THE PERSON OR PERSONS INVOLVED AND TO DETERMINE THE LOCATION OF THE MACHINES USED TO RECORD AND SUBSEQUENTLY READ THE DATA. METHODS OF EXAMINING TAPES FOR FINGERPRINTS, IMPRESSIONS, AND OTHER EVIDENCE ARE REVIEWED BRIEFLY. RESEARCH INTO METHODS OF TRACING A MAGNETIC MEDIUM BACK TO THE UNIT THAT RECORDED IT IS NOTED. CRIMES INVOLVING ELECTRONIC SURVEILLANCE OF COMPUTER SYSTEMS (E.G., THEFT OF TIMESHARE SERVICES) ARE DISCUSSED BRIEFLY. BASIC FORENSIC INVESTIGATION TECHNIQUES THAT CAN BE OF USE IN INVESTIGATING TELEPROCESSING CRIMES ARE NOTED. FOR PARTS 1 AND 2, SEE NCJ 41264 AND 44885.

190. **T. A. SCHABECK. METHODOLOGY OF COMPUTER CRIME INVESTIGATION.** TERRITORIAL IMPERATIVE, INC. *ASSETS PROTECTION*, V 3, N 1 (SPRING 1978), P 14-16. **NCJ-47248**

PART 4 OF A SERIES ON COMPUTER CRIME INVESTIGATION EXAMINES AN INVESTIGATIVE AID FOR TRACING, LOCATING, AND PROSECUTING COMPUTER CRIMINALS. THE COMPUTER CRIME INVESTIGATIVE METHODS DESCRIBED INVOLVES SEVEN PHASES: INITIAL INVESTIGATION, INVESTIGATION PLANNING, INFORMATION GATHERING AND ANALYSIS, INTERVIEWING AND INTERROGATION, TECHNICAL DATA SYSTEMS REVIEW, FORENSIC INVESTIGATION, AND CASE PRESENTATION IN COURT. ONCE INVESTIGATORS RECEIVE A REQUEST TO CONDUCT CRIMINAL INQUIRY, THEIR FIRST JOB IS TO LEARN AS MUCH ABOUT THE CASE AS POSSIBLE. A PRELIMINARY INFORMATION-GATHERING MEETING SHOULD BE CONDUCTED TO DETERMINE THE NATURE OF THE CRIME, THE PROBABLE DEGREE OF TECHNICALITY INVOLVED, AND THE NAMES OF POTENTIAL SUSPECTS. BASED ON THIS INITIAL INFORMATION, INVESTIGATORS THEN PLAN THEIR INVESTIGATIVE APPROACH. THE PLAN SHOULD BE A WRITTEN DOCUMENT CONTAINING THE NAMES OF THE AREAS, PERSONS, DOCUMENTS, FILES, AND OTHER FACTORS TO BE INVESTIGATED. THE NAME OF THE INVESTIGATOR ASSIGNED, DATES ON WHICH INVESTIGATIONS STARTED AND ENDED, AND BRIEF COMMENTS ON THE CASE SHOULD ALSO BE INCLUDED. DEPENDING ON THE NATURE OF THE CRIME, INFORMATION GATHERING MAY BE SIMPLE OR DIFFICULT. INFORMATION ON SUSPECTS CAN BE OBTAINED FROM VARIOUS OUTSIDE SOURCES SUCH AS THE FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AND GOVERNMENT AGENCIES, FORMER EMPLOYERS, CREDIT AGENCIES, MEDICAL FILES, FRIENDS, AND NEIGHBORS. INTERNAL INFORMATION GATHERING MAY INCLUDE SYSTEM DOCUMENTATION, JOB DESCRIPTIONS, PROCEDURE MANUALS, AUDIT INFORMATION, FLOWCHARTS, PROGRAM LISTINGS, PROGRAM NARRATIVES, FILE LAYOUTS, APPLICATION DOCUMENTATION, AND COMPUTERIZED AND MANUAL FILES. BECAUSE PROPERLY PERFORMED INTERVIEWING AND INTERROGATION ARE PARTICULARLY NECESSARY, GIVEN THE TECHNICAL NATURE OF THE CRIME, INTERROGATORS SHOULD BE EXPERT IN THESE AREAS AND ALSO SHOULD BE FULLY AWARE OF ANY LEGAL LIABILITIES WHICH MAY ARISE. REVIEWS OF TECHNICAL DATA SYSTEMS WILL ALSO BE NECESSARY AS AN AID IN INTERROGATION AND GENERAL INVESTIGATION. BECAUSE EVIDENCE REMOVED FROM THE CRIME SCENE (I.E., COMPUTER PRINTOUTS, MAGNETIC TAPES) CAN BE EFFECTIVE IN TYING THE CRIME SCENE AND THE CRIMINAL TOGETHER, FORENSIC SCIENCE PLAYS A KEY ROLE. FINALLY, SINCE THE SUCCESS OR FAILURE OF A CRIMINAL PROSECUTION DEPENDS UPON THE EVIDENCE PRESENTED IN COURT, THE INVESTIGATORS--AS THE CHIEF RESOURCE FOR KNOWLEDGE OF THE CASE, WORKING PAPERS, INCIDENT REPORTS, AND EXHIBITS--SHOULD HAVE A THOROUGH KNOWLEDGE OF THE RULES OF EVIDENCE. NO REFERENCES ARE CITED. SEE ALSO NCJ 41264, 44885, AND 45026.

191. **US COMPTROLLER GENERAL, 441 G STREET NW, WASHINGTON DC 20548. COMPUTER-RELATED CRIMES IN FEDERAL PROGRAMS.** 26 p. 1976. **NCJ-35086**

THIS REPORT SUMMARIZES A STUDY OF GOVERNMENT CRIMES IN WHICH THE PERPETRATORS USED COMPUTER-BASED SYSTEMS. THIS STUDY WAS DESIGNED TO DETERMINE WHETHER COMPUTER RELATED CRIMES WERE OCCURRING IN GOVERNMENT, RELATE THE METHODS USED BY COMPUTER CRIMINALS TO EXPLOIT WEAKNESSES IN SYSTEM MANAGEMENT CONTROLS, EXAMINE INTERNAL AUDIT PROCEDURES, AND IDENTIFY WAYS TO HELP PREVENT AND DETECT FUTURE CRIMES. A TOTAL OF 69 CASES OF COMPUTER RELATED CRIMES WERE IDENTIFIED AND TWELVE REPRESENTATIVE CASES WERE SELECTED FOR DETAILED REVIEW. THE TYPES OF CRIMES UNCOVERED INVOLVED PREPARING FRAUDULENT INPUT TO COMPUTER-BASED SYSTEMS, UNAUTHORIZED OR INAPPROPRIATE USE OF FACILITIES AND SUPPLIES, PROCESSING ALTERATION OR DESTRUCTION, AND MISAPPROPRIATION OF OUTPUT. IN EVERY CASE REVIEWED IN DETAIL, THE INCIDENTS WERE DIRECTLY TRACEABLE TO WEAKNESSES IN SYSTEMS CONTROLS INVOLVING SEPARATION OF DUTIES AND PHYSICAL CONTROL OVER FACILITIES AND SUPPLIES. STUDY RECOMMENDATIONS INCLUDE DEVELOPMENT OF AN ORGANIZATIONAL PLAN THAT SEGREGATES THE DUTIES OF INDIVIDUALS TO MINIMIZE OPPORTUNITIES FOR MISUSE OR MISAPPROPRIATION OF PROGRAM RESOURCES, A SYSTEM OF AUTHORIZATION AND RECORD PROCEDURES TO PROVIDE ACCOUNTING CONTROL OVER ASSETS, LIABILITIES, REVENUES, AND EXPENSES; AN ESTABLISHED SYSTEM OF PRACTICES TO BE FOLLOWED FOR EACH DUTY AND FUNCTION OF THE ORGANIZATIONAL FUNCTION; AND AN EFFECTIVE SYSTEM OF INTERNAL AUDIT. THE APPENDIX CONTAINS A LIST OF THE CASES INCLUDED IN THIS STUDY.

192. **US FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS, WASHINGTON DC 20551. FEDERAL RESERVE BOARD—FINAL REGULATIONS FOR CONSUMER PROTECTION UNDER TWO SECTIONS OF THE ELECTRONIC FUND TRANSFER ACT.** 83 p. 1979. **NCJ-58773**

REGULATIONS ISSUED BY THE FEDERAL RESERVE BOARD TO PROTECT CONSUMERS UNDER TWO SECTIONS OF THE ELECTRONIC FUND TRANSFER (EFT) ACT ARE REVIEWED. THE EFT ACT PROTECTS CONSUMERS IN THE USE OF ELECTRONIC FUND TRANSFER SERVICES. THESE SERVICES PERMIT CONSUMERS TO TRANSFER FUNDS WITHOUT THE USE OF CHECKS. AN EFT CARD IS ONE WAY OF EFFECTING SUCH TRANSFERS, AND EFT CARDS CAN BE USED BY CONSUMERS TO WITHDRAW CASH FROM THEIR ACCOUNTS AT AUTOMATED TELLER MACHINES OR TO DEBIT THEIR ACCOUNTS AT THE POINT OF SALE FOR THE PURCHASE OF GOODS OR SERVICES. THE REGULATIONS PERTAIN TO SECTIONS OF THE ACT THAT (1) LIMITS CONSUMER'S LIABILITY FOR UNAUTHORIZED USE OF AN EFT CARD, AND (2) SPECIFY CONDITIONS UNDER WHICH EFT CARDS MAY BE ISSUED.

CERTAIN TRANSFERS, INCLUDING AUTOMATIC TRANSFERS FROM SAVINGS ACCOUNTS TO CHECKING ACCOUNTS, ARE EXEMPTED. A FINANCIAL INSTITUTION MAY ISSUE TO A CONSUMER AN EFT CARD THAT IS VALID FOR USE ONLY IN RESPONSE TO AN ORAL OR WRITTEN REQUEST OR AN APPLICATION; AS A RENEWAL OF, OR IN SUBSTITUTION FOR, A CARD THAT HAS ALREADY BEEN USED OR ACCEPTED; AND AS A RENEWAL OF, OR IN SUBSTITUTION FOR, A CARD ISSUED ON AN UNSOLICITED BASIS BEFORE FEBRUARY 8, 1979, PROVIDED CERTAIN DISCLOSURES ARE MADE. AT THE TIME OF ISSUING THE REGULATIONS, THE FEDERAL RESERVE BOARD ALSO ASKED FOR PUBLIC COMMENT, THROUGH APRIL 30, 1979, ON PROPOSALS THAT WOULD REQUIRE CERTAIN DISCLOSURES REGARDING FINANCIAL RESPONSIBILITY FOR THE USE OF LOST OR STOLEN EFT CARDS TO ALL EFT CARDHOLDERS AND THAT WOULD MAKE DISCLOSURES A PRECONDITION OF IMPOSING ANY LIABILITY. REGULATIONS ISSUED BY THE FEDERAL RESERVE BOARD DEALING WITH BANKS AND BANKING, AND SPECIFICALLY WITH EFT SERVICES, AND PROPOSALS ISSUED FOR PUBLIC COMMENT ARE DETAILED.

193. **C. R. WANGER. CPA (CERTIFIED PUBLIC ACCOUNTANT) AND COMPUTER FRAUD.** HEATH LEXINGTON BOOKS, 125 SPRING STREET, LEXINGTON MA 02173. 174 p. 1979. **NCJ-55861**

THE ROLE AND RESPONSIBILITY OF THE CERTIFIED PUBLIC ACCOUNTANT (CPA) IN THE DETECTION, INVESTIGATION, AND EVENTUAL PREVENTION OF COMPUTER FRAUD IS EXAMINED, ESPECIALLY IN TERMS OF THE DETECTION FUNCTION. A SUMMARY OF THE DEVELOPMENT OF ACCOUNTING--FROM PACIOLO'S MODEL THROUGH THE ADVANCES IN COMPUTER AND COMMUNICATIONS TECHNOLOGY--IS PRESENTED TO PROVIDE A FOUNDATION FOR THE COMPARISON OF MANUAL AND COMPUTERIZED ACCOUNTING SYSTEMS. VARIOUS PERSPECTIVES OF FRAUD ARE EXAMINED IN ORDER TO FIND SOME COMMON GROUND AND TO DERIVE A SUITABLE DEFINITION OF COMPUTER FRAUD, AND THEN THE VULNERABILITY OF COMPUTER SYSTEMS IS EXPLORED WITH RESPECT TO SPECIFIC TYPES OF THREATS AND THE METHODOLOGY OF COMPUTER FRAUD. ATTENTION IS ALSO DIRECTED TO THE FRAGMENTARY NATURE OF COMPUTER FRAUD INFORMATION AND RESEARCH SOURCES; THE STANFORD RESEARCH INSTITUTE INTERNATIONAL IS IDENTIFIED AS THE MOST COMPLETE DATA BASE ON THE TOPIC. THE CPA'S AUDITING REACTION TO THE COMPUTER IS CONSIDERED AS A PRELUDE TO DEFINING AND TABULATING THE PARAMETERS INVOLVED IN A PROPOSED MODEL TO CALCULATE AN INDEX OF A CPA'S RISK OF EXPOSURE TO COMPUTER FRAUD. THE RELATIONSHIP OF THE INTERNAL AUDITOR AND THE CPA IS VIEWED WITHIN A FRAMEWORK OF ACCEPTED RESPONSIBILITY FOR COMPUTER FRAUD DETECTION. THIS IS FOLLOWED BY A BRIEF EXAMINATION OF THE KNOWLEDGE AND EDUCATIONAL BACKGROUND COMMONLY USED IN TRAINING THE CPA. FINALLY, THE SEARCH FOR A SHARED VIEW OF A CPA'S RESPONSIBILITY FOR COMPUTER FRAUD IS EXAMINED IN LIGHT OF THE ERAS OF AUDITING EVOLUTION, OF HOW SHAREHOLDERS AND OTHERS VIEW DETECTION, AND OF THE IMPACT OF CHANGES IN INTERNAL CONTROL AND AUDITING STANDARDS. THE ESTABLISHMENT OF A COMPUTERIZED INFORMATION RETRIEVAL SYSTEM FOR COMPUTER FRAUD CASES IS RECOMMENDED. GRAPHIC AND TABULAR DATA AND A BIBLIOGRAPHY ARE INCLUDED. (AUTHOR ABSTRACT MODIFIED)

Availability: HEATH LEXINGTON BOOKS, 125 SPRING STREET, LEXINGTON MA 02173.

194. **T. WHITESIDE. COMPUTER CAPERS—TALES OF ELECTRONIC THIEVERY, EMBEZZLEMENT, AND FRAUD.** THOMAS Y CROWELL. 164 p. 1978. **NCJ-47812**

THE METHODS AND MOTIVES OF COMPUTER CRIME ARE EXAMINED IN A SERIES OF ANECDOTAL STORIES DEALING WITH COMPUTER CRIMINALS. POSSIBLE SECURITY MEASURES BUSINESSES AND LAW ENFORCEMENT PERSONNEL CAN TAKE ARE ALSO DETAILED. THIS BOOK ORIGINALLY APPEARED AS A SERIES OF ARTICLES IN NEW YORKER MAGAZINE. IT STARTS WITH A DETAILED LOOK IN ONE OF THE WORLD'S LARGEST RECORDED COMPUTER FRAUDS, THE EQUITY FUNDING SCANDAL WHICH PROBABLY NETTED OVER $1 BILLION DOLLARS FOR THE CORPORATE OFFICERS WHO PERPETRATED IT. AT THE OTHER EXTREME IS THE CHIEF TELLER AT THE UNION DIME BANK WHO MANIPULATED INACTIVE SAVINGS ACCOUNTS TO FINANCE HIS GAMBLING LOSSES. OTHER CHAPTERS LOOK AT THE ALIENATED PROGRAMMERS WHO DESTROY WHOLE SYSTEMS, THE CLEVER MANIPULATORS WHO MANAGE TO ROUND OFF SMALL SUMS INTO THEIR OWN ACCOUNTS, AND THE THIEVES WHO STEAL COMPUTER HARDWARE AND SOFTWARE FOR RESALE. THESE SCHEMES HAVE BEEN FOILED BY SHARP-EYED CLERKS, THE SECURITIES AND EXCHANGE COMMISSION, JILTED LOVERS, AND LUCK. GREED IS ONLY ONE MOTIVE. MANY OF THESE CRIMINALS SEE THE COMPUTER AS A SYMBOL OF AN IDEOLOGICAL ACT. BUSINESSES ARE SOMETIMES SO EMBARRASSED WHEN THE CRIME IS DISCOVERED THAT THEY HIRE THE PERPETRATOR AS A SECURITY SPECIALIST. AN APPENDIX LISTS PROPOSED FEDERAL LEGISLATION TO CONTROL COMPUTER CRIME. ANOTHER GIVES EXCERPTS FROM A SPECIAL REPORT SUBMITTED TO CONGRESS BY THE COMPTROLLER GENERAL OF THE U.S. GENERAL ACCOUNTING OFFICE ON COMPUTER-RELATED CRIMES IN FEDERAL PROGRAMS. THIS REPORT CONTAINS SPECIFIC RECOMMENDATIONS TO CONTROL COMPUTER LOSES. A THIRD APPENDIX, TITLE 'PENETRATION OF A UNIVAC COMPUTER,' EXAMINES FAILINGS IN SYSTEMS DESIGN AND COMPUTER SECURITY WHICH MAKE COMPUTER CRIME POSSIBLE. A BIBLIOGRAPHY IS INCLUDED.

DETECTION, INVESTIGATION, AND PROSECUTION

195. **D. I. BAKER. TO INDICT OR NOT TO INDICT—PROSECUTORIAL DISCRETION IN SHERMAN ACT ENFORCEMENT.** CORNELL LAW REVIEW, MYRON-TAYLOR HALL, ITHACA NJ 14853. *CORNELL LAW REVIEW,* V 63, N 3 (MARCH 1978), P 405-418. **NCJ-47210**

FACTORS CONSIDERED BY THE ANTITRUST DIVISION, U.S. DEPARTMENT OF JUSTICE, IN DECIDING BETWEEN CRIMINAL AND CIVIL ACTION UNDER THE SHERMAN ACT IN A GIVEN CASE ARE DISCUSSED. SECTION I OF THE SHERMAN ACT, DESPITE ITS BREVITY, FUNCTIONS AS TWO STATUTES: A CRIMINAL STATUTE DEALING WITH HARDCORE VIOLATIONS—PRICE FIXING, MARKET ALLOCATION, AND SIMILAR CONDUCT; AND A CIVIL STATUTE OF CONSIDERABLE BREADTH AND FLEXIBILITY. OVER THE YEARS, THE SHERMAN ACT HAS BEEN VIEWED ALTERNATIVELY AS PRIMARILY A CIVIL OR A CRIMINAL STATUTE. AS OF 1977, THE ANTITRUST DIVISION WAS DEVOTING A LARGER SHARE OF ITS RESOURCES TO CRIMINAL ENFORCEMENT THAN IT HAD AT ANY TIME SINCE THE YEARS BETWEEN 1938 AND 1943. DURING HIS TENURE FROM AUGUST 1976 TO MAY 1977 AS ASSISTANT ATTORNEY GENERAL IN CHARGE OF THE ANTITRUST DIVISION, THE AUTHOR, BELIEVING THAT CRIMINAL SANCTIONS BEST DETER ANTITRUST CRIMES, OPTED FOR CRIMINAL PROSECUTIONS IN PRICE-FIXING AND MARKET-ALLOCATION CASES, ABSENT ANY OF THE FOLLOWING MITIGATING FACTORS: CONFUSION OF THE LAW; TRULY NOVEL ISSUES OF LAW OR FACT; CONFUSION CAUSED BY PAST PROSECUTORIAL DECISIONS; OR CLEAR EVIDENCE THAT THE DEFENDANTS DID NOT APPRECIATE THE CONSEQUENCES OF THEIR ACTIONS. ALTHOUGH ARTICULATION AND CONSISTENT APPLICATION OF PRINCIPLES OF DECIDING THE FORM OF PROCEEDING GIVE PARTIES SOME NOTICE OF THE STANDARDS TO WHICH THEIR CONDUCT WILL BE HELD, THE CRIMINAL-VERSUS-CIVIL DECISION IN CLOSE CASES ULTIMATELY REQUIRES THE JUDGMENT OF THE ASSISTANT ATTORNEY GENERAL. (AUTHOR ABSTRACT MODIFIED)

Supplemental Notes: BASED ON SPEECH MADE BEFORE THE ANTITRUST LAW BRIEFING CONFERENCES, FEBRUARY 28, 1977.

196. **S. R. BARLOW and M. F. LAYMAN. PIERCE COUNTY (WA) BUSINESS FRAUD/STOLEN PROPERTY UNIT.** 31 p. 1977. **NCJ-41646**

THE BUSINESS FRAUD/STOLEN PROPERTY PROGRAM (BF/SP) IS A SPECIALIZED PROSECUTION UNIT WHOSE TARGET CRIMES ARE CONSUMER FRAUD AND STOLEN PROPERTY TRAFFICKING. EVALUATION OF BF/SP DEMONSTRATED THAT THEY HAD GREATLY EXCEEDED CASELOAD EXPECTATIONS DERIVED FROM THE WORK OF SIMILAR PROGRAMS. BF/SP WAS FOUND TO BE MORE PRODUCTIVE THAN COMPARABLE PROGRAMS WHEN PRODUCTIVITY WAS MEASURED BY ECONOMIC LOSS, NUMBER OF VICTIMS, AND NUMBER OF DEFENDANTS CHARGED. THE CONVICTION RATE EFFECTED BY BF/SP (93%) WAS GREATER THAN THE LEAA STANDARD FOR SPECIALIZED PROSECUTION UNITS (90%). EVALUATION OF THE OPERATIONAL EFFICIENCY OF BF/SP INDICATED THAT THEIR PROCEDURES FOR PROCESSING WALK-IN COMPLAINTS IS COSTLY RELATIVE TO THE FEW WALK-IN COMPLAINTS WHICH ARE SUCCESSFULLY RESOLVED OR ARE FILED IN COURT. IN ADDITION, AGENCIES WHICH REFER TO BF/SP BELIEVED THAT THE PROGRAM COULD ENHANCE THE REFERRAL PROCESS BY PROVIDING EDUCATION TO REFERRAL SOURCES ON THE SERVICES IT PROVIDES. (AUTHOR ABSTRACT)

197. **J. A. Y. BECKER. INVESTIGATION OF COMPUTER CRIME—OPERATIONAL GUIDE TO WHITE-COLLAR CRIME ENFORCEMENT—A REPORT OF THE NATIONAL CENTER ON WHITE-COLLAR CRIME.** BATTELLE MEMORIAL LAW AND JUSTICE STUDY CENTER, 4000 NE 41ST STREET, SEATTLE WA 98105. 44 p. 1978. **NCJ-51999**

THIS INVESTIGATION GUIDE DISCUSSES THE UNIQUE PROBLEMS OF COMPUTER CRIME REPORTING, EVIDENCE COLLECTION, PRESERVATION, AND PRESENTATION. IT OFFERS PRACTICAL METHODS OF DEALING WITH THESE PROBLEMS. IT IS ESTIMATED THAT 15 PERCENT OF ALL COMPUTER CRIME IS REPORTED, AND THAT THESE REPORTS COME FROM DIFFERENT SOURCES INCLUDING SYSTEMS ANALYSTS, AUDITORS, AND PROGRAMMERS. EVIDENCE COLLECTION IS COMPLICATED BY THE HUGE VOLUME OF DATA INVOLVED, THE INABILITY OF INVESTIGATORS TO REACH DATA WITHOUT SHUTTING DOWN BUSINESS OPERATIONS OF THE VICTIM COMPANY, AND LEGAL CONFLICTS ARISING FROM RIGHT TO PRIVACY, SEARCH WARRANT, AND CONSENT TO SEARCH ISSUES. INFORMATION THAT CAN BE USED AS EVIDENCE CANNOT BE MARKED IN CONVENTIONAL MANNERS AND IT IS DIFFICULT TO PRESERVE THE ORIGINAL CONDITION OF COMPUTERIZED EVIDENCE. THE LACK OF COMPUTER KNOWLEDGE AMONG JUDGES AND JURY MEMBERS MAKES EVIDENCE PRESERVATION DIFFICULT. IF IT CANNOT BE PROVEN THAT THE EVIDENCE WAS ACQUIRED WITHIN

THE ORDINARY COURSE OF BUSINESS AND WITHIN A REASONABLE TIME AFTER THE CRIME WAS COMMITTED, THE EVIDENCE CAN BE DISQUALIFIED. PROSECUTORS MUST ALSO BE ABLE TO PROVE THE RELIABILITY OF THE EVIDENCE. INVESTIGATORS ARE ADVISED TO ACQUAINT THEMSELVES WITH THE MECHANISMS OF COMPUTER PROGRAMMING, INTERNAL WORKINGS OF THE MACHINE, AND METHODS BY WHICH THE COMPUTER IS CONNECTED TO REMOTE INPUT OR OUTPUT DEVICES. PROSECUTORS AND INVESTIGATORS SHOULD UNDERSTAND BUSINESS AND LEGAL PROBLEMS INVOLVED IN INVESTIGATING COMPUTER CRIME AND SHOULD EMPLOY THE SERVICES OF A COMPUTER EXPERT. A WRITTEN INVESTIGATION PLAN SHOULD BE FORMULATED BEFORE THE ACTUAL INVESTIGATION AND THE VICTIM-COMPANY DIRECTORS AND ADMINISTRATORS SHOULD BE CONSULTED PRIOR TO INVESTIGATION. A LIST OF GROUPS INTERESTED IN COMPUTER CRIME IS APPENDED AS WELL AS A CHECKLIST OF CHARACTERISTICS AND RESPONSIBILITIES OF ELECTRONIC DATA PROCESSING FUNCTIONS, SPECIMEN CHECKLISTS FOR AUDITORS, AND A SEARCH WARRANT SAMPLE. A BIBLIOGRAPHY IS INCLUDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

198. **G. R. BLAKEY and R. GOLDSTOCK. INVESTIGATION AND PROSECUTION OF ORGANIZED CRIME AND CORRUPT ACTIVITIES—OFFICIAL CORRUPTION—BACKGROUND MATERIALS.** CORNELL UNIVERSITY LAW SCHOOL, MYRON TAYLOR HALL, ITHACA NY 14850. 301 p. 1977. **NCJ-45146**

THE NATURE OF OFFICIAL CORRUPTION AND THE INVESTIGATION AND PROSECUTION OF BRIBERY, EXTORTION, AND GRAFT ARE DISCUSSED. AN OVERVIEW OF PATTERNS OF OFFICIAL CORRUPTION COVERS ATTEMPTS TO INFLUENCE GOVERNMENTAL ACTION IN THE LEGISLATIVE AND EXECUTIVE BRANCHES AND IN THE JUDICIAL, PROSECUTIVE, AND POLICE SEGMENTS OF THE CRIMINAL JUSTICE SYSTEM. THE ROLE OF ORGANIZED CRIME IN OFFICIAL CORRUPTION AND THE CAUSES OF CORRUPTION ARE DISCUSSED. THE OFFENSES OF BRIBERY, EXTORTION, AND GRAFT ARE DEFINED IN TERMS OF CONDUCT, ATTENDANT CIRCUMSTANCES, AND STATE OF MIND, AND THE HISTORICAL DEVELOPMENT OF CRIMINAL SANCTIONS FOR EACH OFFENSE IS TRACED. THE HISTORY, SCOPE, AND APPLICATIONS OF THE DOCTRINE OF LEGISLATIVE IMMUNITY ARE REVIEWED, AND THE RELEVANCE OF THE DOCTRINE TO THE INVESTIGATION AND PROSECUTION OF LEGISLATIVE CORRUPTION IS CONSIDERED. ELEMENTS OF REACTIVE INVESTIGATION THROUGH THE GRAND JURY PROCESS (HISTORICAL DEVELOPMENT, SCOPE OF PROCESS, QUASHING PROCESS, IMMUNITY, CONTEMPT, PERJURY) AND PROACTIVE INVESTIGATION (CONSTITUTIONAL LIMITATIONS ON INFORMANTS, ELECTRONIC SURVEILLANCE, UNDERCOVER OPERATIONS) ARE DISCUSSED. ACCOMPLICE TESTIMONY, ISSUES OF CHARACTER, JOINDER AND SEVERANCE, PUBLICITY, AND STATUTE OF LIMITATIONS ARE DISCUSSED AS THEY RELATE TO TRIALS IN CASES OF OFFICIAL CORRUPTION. NONCRIMINAL SANCTIONS THROUGH REMOVAL FROM OFFICE AND RECOVERY OF ILL-GOTTEN GAINS ARE NOTED. TABLES SUMMARIZING THE CONTENT OF STATE BRIBERY, EXTORTION, AND GRAFT STATUTES ARE APPENDED. A BIBLIOGRAPHY AND NOTES ARE INCLUDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

199. **G. R. BLAKEY and R. GOLDSTOCK. TECHNIQUES IN THE INVESTIGATION AND PROSECUTION OF ORGANIZED CRIME—MANUALS OF LAW AND PROCEDURE (ISSUED IN THREE UNNUMBERED VOLUMES).** CORNELL UNIVERSITY CORNELL INSTITUTE ON ORGANIZED CRIME, ITHACA NY 14850. 1892 p. 1977. **NCJ-45144**

A COLLECTION OF INFORMATION ON ORGANIZED CRIME, INCLUDING LAWS AND PROCEDURES FOR DEALING WITH IT, IS PRESENTED. ORGANIZED CRIME CAN BE DIVIDED INTO THREE CATEGORIES—ENTERPRISE, INVOLVING A BUSINESS ORGANIZATION; SYNDICATE, A QUASI-GOVERNMENTAL ORGANIZATION; AND VENTURE, AN INDIVIDUAL CRIMINAL EPISODE WITH SYNDICATE CONNECTIONS. FEDERAL LAWS ON BRIBERY, EXTORTION AND GRAFT ARE DETAILED, ALONG WITH THE LAWS IN FLORIDA, MASSACHUSETTS, NEW JERSEY, NEW YORK, AND AN OVERVIEW OF THE LAWS IN THE REST OF THE STATES. GRAND JURY POLICY IS DISCUSSED AND ADVICE FOR WITNESSES TESTIFYING BEFORE ONE IS GIVEN. THE EFFECTS OF IMMUNITY, INCLUDING FEDERAL, STATE AND LEGISLATIVE IMMUNITIES, ARE EXAMINED. DIFFERENT TYPES OF PERJURY AND CONTEMPT ARE DEFINED AND FEDERAL, NEW YORK, AND NEW JERSEY LAWS IN THE AREA ARE PROVIDED. IN THE SECOND VOLUME OF THIS WORK, MATTERS OF EVIDENCE GATHERING ARE ADDRESSED. THESE INCLUDE ACCESS TO RECORDS, USE OF INFORMANTS, SIMULATED OFFENSES, CONSENSUAL ELECTRONIC SURVEILLANCE, ELECTRONIC TRACKING DEVICES, TELEPHONE SURVEILLANCE, AND SOME OTHER FORMS OF ELECTRONIC SURVEILLANCE AND ITS PROCEDURES AND USE. THE FINAL VOLUME IN THE STUDY COVERS COURT PROCEDURES RELATING TO ORGANIZED CRIME. THE LAWYER'S ROLE IN THE PROCEEDINGS AND TRIAL PUBLICITY ARE DISCUSSED. THE USE OF CONSPIRACY PROSECUTION AND TESTIMONY OF ACCOMPLICES IS EXAMINED AS IT RELATES TO THE DETERRENCE OF ORGANIZED CRIME. OTHER AREAS RELATING TO THE TRIAL WHICH ARE COVERED ARE JOINDER AND SEVERANCE, CROSS-EXAMINATION, SENTENCING, AND CIVIL ACTIONS AND REMEDIES. THE PROBLEMS OF POLICE CORRUPTION AND ORGANIZED CRIME AS IT RELATES TO ANTITRUST LAWS ARE DISCUSSED. THESE VOLUMES INCLUDE FEDERAL AND STATE LAW CITATIONS.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

200. **G. R. BLAKEY and R. GOLDSTOCK. TECHNIQUES IN THE INVESTIGATION AND PROSECUTION OF ORGANIZED CRIME—OFFICIAL CORRUPTION—A SIMULATED INVESTIGATION WITH TEACHER'S GUIDE.** CORNELL UNIVERSITY LAW SCHOOL, MYRON TAYLOR HALL, ITHACA NY 14850. 198 p. 1978. **NCJ-45145**

MATERIALS ARE PRESENTED FOR A SIX-PART TRAINING EXERCISE IN WHICH STUDENTS ASSUME THE ROLE OF A PROSECUTOR CARRYING OUT A HYPOTHETICAL INVESTIGATION OF ORGANIZED CRIME. THE TRAINING EXERCISE CONSISTS OF SIX WORKSHOPS. FOR EACH WORKSHOP, RAW DATA FOR THE HYPOTHETICAL INVESTIGATION (BANK RECORDS, INVOICES, CHECKS, REPORTS, ETC.) ARE PRESENTED, TOGETHER WITH A TEACHER'S GUIDE, WHICH STATES THE PREMISE OF THE WORKSHOP, THE PROBLEMS TO BE CONSIDERED, AND GUIDELINES FOR APPROACHING THE PROBLEMS. FOR EXAMPLE, IN THE WORKSHOP ON ELECTRONIC SURVEILLANCE, STUDENTS ARE ASKED TO EXAMINE A COURT SURVEILLANCE ORDER AND DAILY SURVEILLANCE REPORTS TO ASSESS THE MANNER IN WHICH THE ORDER WAS DRAFTED, TO DETERMINE WHAT INSTRUCTIONS SHOULD BE GIVEN TO INVESTIGATORS, AND TO DECIDE WHAT AMENDMENTS TO THE ORDER ARE REQUIRED IF THE SURVEILLANCE IS TO BE TERMINATED OR RENEWED. GUIDELINES FOR INTERPRETING THE HYPOTHETICAL DOCUMENTS ARE INCLUDED. OTHER WORKSHOPS CONCERN THE ANALYSIS OF CORPORATE RECORDS, THIRD-PARTY RECORDS, LEGAL OBJECTIONS TO TESTIFYING, EXAMINATION OF RECALCITRANT WITNESSES, AND PERJURY AND CONTEMPT INDICTMENTS. SUPPLEMENTAL MATERIALS ON WITNESS RE-

LOCATION AND PLEA-BARGAINING DECISIONS ARE INCLUDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

201. **M. M. BLECHER and C. S. WOODHEAD. SMALL PROSPECTS FOR SHRINKING THE BIG ANTITRUST CASE BY PROCEDURAL REFORM.** LOYOLA UNIVERSITY OF LOS ANGELES SCHOOL OF LAW. *LOYOLA OF LOS ANGELES LAW REVIEW,* V 11, N 3 (JUNE 1978), P 513-535. **NCJ-55369**
REASONS BEHIND THE COMPLEXITY OF MANY ANTITRUST CASES ARE EXPLORED, AND PROCEDURAL REFORMS THAT COULD REDUCE WASTEFUL LITIGATION ACTIVITY ASSOCIATED WITH LARGE ANTITRUST CASES ARE SUGGESTED. PROCEDURAL REFORM CAN HAVE ONLY A LIMITED EFFECT ON THE SIZE AND COMPLEXITY OF ANTITRUST LITIGATION, BECAUSE TO A LARGE EXTENT THESE CONDITIONS ARE PREDETERMINED BY THE NATURE OF SUBSTANTIVE ANTITRUST LAW AND BY THE AD HOC APPROACH TAKEN BY THE COURTS TO EVALUATING ANTITRUST CLAIMS. BUT WITHIN THESE LIMITATIONS, SEVERAL STEPS COULD BE TAKEN TO EXPEDITE LARGE CASES. THE MANAGEMENT OF INDIVIDUAL CASES MIGHT BE IMPROVED IN THE FOLLOWING WAYS: ESTABLISHING A ROSTER OF JUDGES WHO ARE PREPARED TO OVERSEE THE DEVELOPMENT OF COMPLEX CASES; USING MAGISTRATES IN CASES THAT DO NOT REQUIRE JUDICIAL EXPERTISE; IMPOSING JUDICIAL CONTROLS ON DISCOVERY; ASSURING EARLY IDENTIFICATION AND DISPOSITION OF CRITICAL LEGAL ISSUES; USING NONTRIAL JUDGES, MAGISTRATES, OR MASTERS TO GUIDE SETTLEMENT DISCUSSIONS BETWEEN DISPUTANTS; SETTING FIRM AND REALISTIC TRIAL DATES; AND EXPEDITING TRIALS BY RATIONALIZING AND SIMPLIFYING THE WAY IN WHICH INFORMATION IS PRESENTED TO JURIES. IN ADDITION TO CASE MANAGEMENT TECHNIQUES, STEPS COULD BE TAKEN TO REDUCE THE DUPLICATION OF ACTIVITY THAT ARISES WHEN A FLOOD OF PRIVATE SUITS FOLLOWS A MAJOR GOVERNMENT ANTITRUST ACTION. THE EXTENT TO WHICH AN ANTITRUST DEFENDANT THAT HAS BEEN SUED SUCCESSFULLY BY THE GOVERNMENT MAY REARGUE ITS CASE IN SUBSEQUENT, PRIVATE LITIGATION COULD BE LIMITED. POLICIES AND PROCEDURES COULD BE ADOPTED TO ASSURE THAT INFORMATION ACCUMULATED BY THE GOVERNMENT IN ANTITRUST LITIGATION IS MADE AVAILABLE TO PRIVATE LITIGANTS.

202. **R. CONDON. MANAGING AN INVESTIGATION INTO PUBLIC CORRUPTION OPERATIONAL GUIDE TO WHITE-COLLAR CRIME ENFORCEMENT—A REPORT OF THE NATIONAL CENTER ON WHITE-COLLAR CRIME.** BATTELLE MEMORIAL LAW AND JUSTICE STUDY CENTER, 4000 NE 41ST STREET, SEATTLE WA 98105. 28 p. 1978. **NCJ-52000**
THIS OPERATIONAL GUIDE IS WRITTEN TO ASSIST INVESTIGATORS AND PROSECUTORS IN CONDUCTING MAJOR CORRUPTION INVESTIGATIONS. IT COVERS PERSONNEL, TAPE USE, RECORDS MAINTENANCE, AND INVESTIGATION SECURITY. LOCATION OF THE OPERATIONAL HEADQUARTERS, ASSIGNMENT OF PERSONNEL, AND COMMUNICATION AND RECORDKEEPING SYSTEMS SHOULD BE PLANNED IN CONJUNCTION WITH SECURITY MEASURES. RECORDS COULD INCLUDE NAME, ADDRESS, LICENSE-PLATE, AND TELEPHONE-NUMBER CARDS. INVESTIGATIVE REPORTS SHOULD BE EXAMINED DAILY BY THE SUPERVISING INVESTIGATORS, INTELLIGENCE OFFICERS, AND CASE ATTORNEYS. TAPES CONTAINING EVIDENCE SHOULD BE SEQUENTIALLY NUMBERED, LOGGED INTO AN EVIDENCE BOOK, AND STORED IN A SECURE AREA. INVESTIGATORS MAY WANT TO USE THE SERVICES OF INFORMANTS, 'TURNED' SUSPECTS (PERSONS THAT WERE PARTIES TO THE CONSPIRACY BUT ARE PERSUADED BY INVESTIGATORS TO COLLECT INFORMATION), OR UNDERCOVER INVESTIGATORS. UNDERCOVER INVESTIGATORS ARE PREFERRED SINCE THEY ARE MORE RELIABLE, AND ARE TRAINED IN OBJECTIVE REPORTING. THEY ALSO MAKE MORE REPUTABLE WITNESSES. IF INFORMANTS OR 'TURNED' SUSPECTS ARE EMPLOYED FOR AN INVESTIGATION, THEY SHOULD CARRY TRANSMITTERS OR BODY RECORDERS SO THAT THEIR COURT TESTIMONY CAN BE VERIFIED. AUDITORS SHOULD ALSO BE ASSIGNED TO WHITE-COLLAR CRIME INVESTIGATIONS TO CHECK RECORDS OF SUSPECT BUSINESSES OR INDIVIDUALS. THE FINAL SECTIONS DISCUSS ISSUANCE OF PROCESS, GRAND JURY INVESTIGATIONS, AND THE IMPORTANCE OF COOPERATION BETWEEN INVESTIGATORS AND THE PROSECUTOR DURING INVESTIGATIONS. SAMPLE RECORDS, CARDS, AND TAPE HEADINGS ARE APPENDED, AS WELL AS A LIST OF TECHNICAL EQUIPMENT NEEDED FOR INVESTIGATIONS. REFERENCES ARE PROVIDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

203. **W. H. DUNMAN. MASSACHUSETTS—CURRICULUM DEVELOPMENT ASSISTANCE FOR TRAINING PROGRAMS TO COMBAT ORGANIZED AND WHITE COLLAR CRIME—POLICE TECHNICAL ASSISTANCE REPORT.** WESTINGHOUSE JUSTICE INSTITUTE. 124 p. 1976. **NCJ-38592**
NOVEMBER 1976 REPORT ON EFFORTS TO DEVELOP TRAINING PROGRAMS IN THE AREAS OF ORGANIZED CRIME INVESTIGATION AND INTELLIGENCE. DURING THE SITE VISIT, A PLANNING CONFERENCE WAS HELD, WHICH WAS ATTENDED BY REPRESENTATIVES FROM THE STATE CRIMINAL JUSTICE TRAINING COUNCIL AND STATE, COUNTY, AND LOCAL CRIMINAL JUSTICE AGENCIES. TWO LEVELS OF TRAINING RECEIVED THE GREATEST ATTENTION—FINANCIAL INVESTIGATIVE TECHNIQUES AND AN ORGANIZED CRIME INVESTIGATORS COURSE. LESSER PRIORITY PROGRAMS INCLUDED EXECUTIVE ORGANIZED CRIME AND POLICE INTELLIGENCE ORIENTATION, SUPERVISORY AND COMMAND LEVEL TRAINING, AND PATROL OFFICER TRAINING. IT IS RECOMMENDED THAT A NEEDS ASSESSMENT BE MADE ON TWO LEVELS: TO DETERMINE THE SPECIFIC CRIMINAL ACTIVITIES HAVING THE GREATEST IMPACT IN THE STATE; AND TO DETERMINE THE EXTENT AND QUALITY OF EXISTING INVESTIGATIVE AND INTELLIGENCE TRAINING. IT IS ALSO SUGGESTED THAT STATE CRIMINAL JUSTICE PERSONNEL ENROLL IN EXISTING PROGRAMS, TEN OF WHICH ARE LISTED. PROPOSED COURSE OUTLINES FOR AN 80-HOUR INVESTIGATOR'S COURSE, A 40-HOUR COMMAND/ SUPERVISOR SEMINAR, A 16-HOUR SEMINAR FOR POLICE CHIEFS AND SHERIFFS, AND A 16-HOUR PROGRAM FOR UNIFORM OFFICERS AND GENERAL DUTY DETECTIVES. THE APPENDIX, WHICH MAKES UP THE BULK OF THIS REPORT, INCLUDES AN OUTLINE OF A SEMINAR ON ORGANIZED CRIME INVESTIGATION AND PROSECUTION TECHNIQUES, A CURRICULUM FOR AN INTELLIGENCE ANALYSIS TRAINING PROGRAM, AND A 40-PAGE ORGANIZED CRIME BIBLIOGRAPHY.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

204. **H. EDELHERTZ, M. WALSH, and M. BRINTNALL. SAN FRANCISCO—DEVELOPMENT OF AN ECONOMIC CRIME RESPONSE CAPABILITY—TECHNICAL ASSISTANCE REPORT FOR THE DISTRICT ATTORNEY'S OFFICE—CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT.** AMERICAN UNIVERSITY INSTITUTE FOR STUDIES IN JUSTICE AND SOCIAL BEHAVIOR, 4900 MASSACHUSETTS AVENUE, NW, WASHINGTON DC 20016. 29 p. 1976. **NCJ-39673**
SUGGESTIONS ON ESTABLISHMENT OF WHITE COLLAR CRIME PROSECUTORIAL PROGRAMS FOR SAN FRANCISCO DISTRICT ATTORNEY'S OFFICE. INVESTIGATION AND PROSECUTION OF WHITE COLLAR CRIME MUST BECOME A MAJOR POLICY ASPECT OF THE DISTRICT ATTORNEY'S OFFICE, AC-

CORDING TO THIS ASSISTANCE REPORT. CLOSE COOPERATION BETWEEN THE POLICE DEPARTMENT AND THE DISTRICT ATTORNEY'S OFFICE SHOULD BE ESTABLISHED. A PUBLIC INFORMATION AND EDUCATION PROGRAM CAN CONTRIBUTE TO THE OBJECTIVE OF THE DISTRICT ATTORNEY'S OFFICE IN COMBATING CRIME. THE REPORT OUTLINES STAFF ASSIGNMENTS FOR THE PROGRAM THAT INCLUDE ADMINISTRATORS, INVESTIGATORS, LEGAL INTERNS, VOLUNTEERS, AND CLERICAL AND SUPPORT STAFF.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

205. **P. FINN and A. R. HOFFMAN. PROSECUTION OF ECONOMIC CRIME—SAN DIEGO AND SEATTLE FRAUD DIVISIONS—EXEMPLARY PROJECTS.** ABT ASSOCIATES, INC, 55 WHEELER STREET, CAMBRIDGE MA 02138. 163 p. 1976. **NCJ-31615**

THIS MANUAL DESCRIBES AN ORGANIZATIONAL FRAMEWORK FOR THE PROSECUTION OF WHITE COLLAR CRIME, USING THE FRAUD DIVISION ESTABLISHED IN THE DISTRICT ATTORNEY'S OFFICES OF SAN DIEGO AND SEATTLE AS MODELS. THESE LEAA EXEMPLARY PROJECTS, TWO HIGHLY SUCCESSFUL EFFORTS TO CURB ECONOMIC CRIME ACTIVITIES, FOCUS ON INVESTIGATION, PROSECUTION AND PREVENTION. THE INDIVIDUAL PROGRAMS ARE DESCRIBED, PROVIDING INFORMATION ON THE GOALS, ORGANIZATIONAL STRUCTURES, OPERATIONS, COSTS, AND RESULTS. BASIC PROGRAM SIMILARITIES (DISTINCT ORGANIZATIONAL AND OPERATIONAL SEPARATION FROM THE OTHER DIVISIONS IN THE PROSECUTOR'S OFFICE, CLEARLY DEFINED PROGRAM GOALS, HIGHLY QUALIFIED AND EXPERIENCED STAFF) AS WELL AS PROGRAM DIFFERENCES (THE EFFORT DEVOTED TO INDIVIDUAL CONSUMER COMPLAINTS, RELIANCE UPON OTHER AGENCIES FOR INVESTIGATIVE ASSISTANCE, SIZE AND COST OF OPERATIONS, METHODS FOR SELECTING CASES) ARE EMPHASIZED. A DISCUSSION OF SUGGESTED PROCEDURES FOR PLANNING AND OPERATING A FRAUD PROGRAM OUTLINES SEVERAL ORGANIZATIONAL ISSUES WHICH MUST BE ADDRESSED IN IMPLEMENTING AN ECONOMIC CRIME PROGRAM. FUNDING AND EVALUATION GUIDELINES ARE ALSO REVIEWED. THE APPENDIXES CONTAIN COPIES OF PROJECT FORMS AND A SAMPLE PRINT OUT FROM THE SAN DIEGO FRAUD DIVISION WHICH USED A COMPUTER-BASED COMPLAINT FILING SYSTEM TO IDENTIFY PERSISTENT SUSPECTS AND/OR VICTIMS AND TO DETECT OTHER PATTERNS IN CRIMINAL ACTIVITY.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: GPO Stock Order No. 027-000-00375-3; NCJRS MICROFICHE PROGRAM.

206. **FLORIDA STATE UNIVERSITY, TALLAHASSEE FL 32304. CONSUMER FRAUD ACT—HEARINGS BEFORE THE HOUSE SUBCOMMITTEE ON CONSUMER PROTECTION AND FINANCE, AUGUST 9 AND 11, 1976.** 116 p. 1977. **NCJ-41743**

TESTIMONY AND OTHER MATERIALS CONCERNING PROPOSED LEGISLATION TO PROTECT CONSUMERS FROM FRAUDULENT ACTIONS BY MAKING THE KNOWING COMMISSION OF SPECIFIED CONSUMER FRAUDS SUBJECT TO CRIMINAL SANCTIONS. THE CONSUMER FRAUD ACT WOULD FILL THE CURRENT GAP IN CONSUMER PROTECTION LAWS BY PROSCRIBING FIVE SPECIFIC KINDS OF FRAUDULENT ACTIVITIES AFFECTING CONSUMERS. THE ACT AVOIDS ANY POSSIBILITY OF THE IMPOSITION OF CRIMINAL PENALTIES FOR AN INADVERTENT VIOLATION BY REQUIRING THAT THE PRACTICES BE DONE KNOWINGLY. THE TEXTS OF THE TWO BILLS ARE INCLUDED IN THIS DOCUMENT. WITNESSES AT THE HEARING INCLUDED REPRESENTATIVES OF SEVERAL STATE ATTORNEYS GENERAL OFFICES, THE FEDERAL TRADE COMMISSION, THE CONSUMER AFFAIRS SECTION OF THE DEPARTMENT OF JUSTICE, AND THE CRIME PREVENTION PROGRAM OF THE NATIONAL RETIRED TEACHERS ASSOCIATION AND AMERICAN ASSOCIATION OF RETIRED PERSONS.

Availability: GPO.

207. **G. GEIS. CRIMINAL PENALTIES FOR CORPORATE CRIMINALS (FROM CRIME AND JUSTICE, 1971-1972—AN AMS ANTHOLOGY, 1974 BY JACKWELL SUSMAN—SEE NCJ-28615).** AMS PRESS INC, 56 EAST 13TH STREET, NEW YORK NY 10003. 12 p. 1974. **NCJ-28633**

THIS ARTICLE OFFERS SEVERAL ARGUMENTS TO SUPPORT THE AUTHOR'S CONTENTION THAT THE MOST EFFECTIVE DETERRENT FOR CORPORATE CRIMINALS IS THE IMPOSITION OF CRIMINAL PENALTIES ON EXECUTIVES WHO KNOWINGLY COMMIT OFFENSES. IT WAS NOTED THAT CORPORATE OFFENDERS TEND TO BE PARTICULARLY RESPONSIVE TO PENAL SANCTIONS, AND IT WAS SUGGESTED THAT CLASS BIAS PLAYS A LARGE ROLE IN KEEPING SUCH OFFENDERS OUT OF PRISON. THE ARTICLE FURTHER ARGUED THAT CORPORATE CRIME ACCOUNTS FOR MORE DEATH, INJURY, AND DEPRIVATION THAN THE TRADITIONAL CRIMES NOW PUNISHED BY IMPOSITION OF CRIMINAL SANCTIONS. IT WAS NOTED ALSO THAT CORPORATE CRIMES PROBABLY CREATE A CYNICISM AND GENERAL SOCIAL MALAISE FAR MORE SERIOUS FOR THE WELL-BEING OF THE COUNTRY THAN THE CONSEQUENCES OF THE KINDS OF EVENTS THAT MAKE UP THE USUAL STATISTICAL SUMMARIES OF CRIME. FINALLY, IT WAS POINTED OUT THAT EVIDENCE EXISTS FOR THE VIEW THAT PUBLIC OPINION FAVORS SOCIAL POLICIES AIMED AT INFLICTING UPON CORPORATE CRIMINALS THE KINDS OF CRIMINAL PENALTIES THEY DESERVE. (AUTHOR ABSTRACT)

208. **R. G. GLICK and R. S. NEWSOM. FRAUD INVESTIGATION—FUNDAMENTALS FOR POLICE.** 347 p. 1974. **NCJ-14905**

TECHNIQUES AND PRINCIPLES FOR EFFECTIVELY CONTROLLING AND HANDLING A FRAUD INVESTIGATION. R. G. GLICK AND R. S. NEWSOM EXPLORE THE TRILOGY OF FRAUD, THE THREE-SIDED GEOMETRIC ANALOGY OF FALSE PRETENSES, TRICK AND DEVICE, AND EMBEZZLEMENT. THESE CRIMES OF THEFT ARE THE TOTAL BASIS OF FRAUD, ALL OTHER FORMS ARE MERE MODIFICATIONS. A STRUCTURED APPROACH TO EACH SITUATION IS PRESENTED GIVING BASIC POINTS TO BE COVERED IN A STEP-BY-STEP PROCESS. WITNESSES, STATEMENTS, DOCUMENTATION, PHYSICAL EVIDENCE AND LEGAL PRINCIPLES ARE THESE BASIC POINTS WHICH MAKE UP THE FINAL PRODUCT PRESENTED FOR PROSECUTION. CERTAIN AREAS OF STUDY ARE INCLUDED WHICH IN THE PAST HAVE NOT BEEN NORMALLY A PART OF THE GENERAL STUDY OF INVESTIGATION IN THE POLICE SCIENCE CURRICULUM. ONE OF THESE IS ACCOUNTING, PRESENTED IN SIMPLIFIED FORM AS IT APPLIES TO EMBEZZLEMENT (SOURCE AND APPLICATION OF FUNDS) AND INSURANCE FRAUDS. ANOTHER IS PUBLIC RECORDS, A SOURCE OF INFORMATION FREQUENTLY OVERLOOKED OR IGNORED BY INVESTIGATORS WHOSE EXPERIENCE HAS BEEN LIMITED TO BURGLARY, ROBBERY, AND CRIMES OF VIOLENCE. FORGERY AND RELATED OFFENSES ARE EXAMINED AND METHODS OF CLASSIFICATION, BOTH MANUAL AND COMPUTERIZED, ARE DISCUSSED AT LENGTH. CONSUMER AND MEDICAL FRAUDS, BURGEONING PROBLEMS WHICH NO LONGER CAN BE IGNORED, ARE ANALYZED AND METHODS OF INVESTIGATION ARE DISCUSSED. INCLUDED IS THE WORKING RELATIONSHIP AND JOINT RESPONSIBILITIES OF POLICE AND REGULATORY AGENCIES. THE INCREASE IN REAL ESTATE AND CORPORATE INVESTMENT FRAUDS WITH THEIR INTERSTATE COMPLICATIONS ARE DISCUSSED AS TO THE INTEREST AND RESPONSIBILITY THAT A POLICE AGENCY HAS IN SUCH CRIMES. THE TYPE OF EVIDENCE

NEEDED AND THE METHODS TO DEVELOP IT ARE EXAMINED ALONG WITH SOCIOLOGICAL CONCEPTS AND THE RESULTING EFFECT UPON THE COMMUNITY.

Availability: CHARLES C THOMAS, 301-327 EAST LAWRENCE AVENUE, SPRINGFIELD IL 62717.

209. **R. E. HAGEN. INTELLIGENCE PROCESS IN WHITE-COLLAR CRIME INVESTIGATION—OPERATIONAL GUIDE TO WHITE-COLLAR CRIME ENFORCEMENT—A REPORT OF THE NATIONAL CENTER ON WHITE-COLLAR CRIME.** BATTELLE MEMORIAL LAW AND JUSTICE STUDY CENTER, 4000 NE 41ST STREET, SEATTLE WA 98105. 29 p. 1976. **NCJ-51995**

VARIOUS INTELLIGENCE DATA SOURCES IN THE INVESTIGATION OF WHITE COLLAR CRIME CAN BE USED TO INTERCEPT CRIMINAL SCHEMES BEFORE LARGE NUMBERS OF VICTIMS ARE DEFRAUDED. FOLLOWING AN INTRODUCTION, WHICH EXPLAINS THE ADAPTATION OF THE MILITARY CONCEPT OF INTELLIGENCE GATHERING TO CRIME INVESTIGATION, THIS PAPER DESCRIBES THE USE OF INTELLIGENCE TO UNCOVER WHITE COLLAR CRIME IN ITS EARLY STAGES AND PROVIDE A BASIS FOR PROSECUTION. INTELLIGENCE IS NOT EVIDENCE COLLECTION, AND RUMOR AND INFERENCE HAVE A DEFINITE PLACE IN THE PROCESS. FLOW CHARTS DEPICT THE FOLLOWING BASIC COMPONENTS OF WHITE COLLAR INTELLIGENCE: INFORMATION INPUT, INFORMATION INTEGRATION, INFERENCE DEVELOPMENT, AND INFORMATION DISSEMINATION. AN EXTENSIVE TABLE PRESENTS POTENTIAL SOURCES OF WHITE COLLAR CRIME INTELLIGENCE INFORMATION. USE OF GRIDS AND FLOW CHARTS TO INTEGRATE INFORMATION IS DESCRIBED AND ILLUSTRATED. VARIOUS TACTICAL AND STRATEGIC APPLICATIONS OF THESE PROCEDURES ARE EXPLAINED. THE ENTIRE INTELLIGENCE-GATHERING PROCESS IS DESCRIBED THROUGH THE PRESENTATION OF A CASE EXAMPLE INVOLVING AN ADVANCED-FEE SCHEME. EACH STEP IS EXPLAINED, BEGINNING WITH THE 'TIP' IN THE NEWSPAPER, CONTINUING THROUGH THE DATA-GATHERING PROCESS, AND CONCLUDING WITH THE PRELIMINARY IDENTIFICATION OF THE BROKERAGE FIRM INVOLVED. INTELLIGENCE IS NOT PROSECUTION AND BECOMING TOO CASE ORIENTED ACTUALLY MAY HINDER THE INTELLIGENCE PROCESS. IN THE CASE DESCRIBED THE INTELLIGENCE PROCESS WAS STOPPED AS SOON AS THE BROKERAGE HOUSE WAS IDENTIFIED. THE INFORMATION THEN WAS TURNED OVER TO THE WHITE-COLLAR INVESTIGATIVE AND PROSECUTORIAL PERSONNEL WHO IDENTIFIED VICTIMS AND COLLECTED EVIDENCE. REFERENCES ARE PROVIDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

210. **T. HANNA, L. SWERIN, and B. AMOS. STATES COMBAT WHITE COLLAR CRIME.** NATIONAL CONFERENCE OF STATE LEGISLATORS. 79 p. 1977. **NCJ-42304**

THIS BOOKLET IS A COMPILATION OF STATE STATUTES, METHODS, AND APPROACHES USED TO DETECT, SOLVE, AND PROSECUTE WHITE COLLAR CRIMES SUCH AS FALSE ADVERTISING, BRIBERY, FRAUD, EMBEZZLEMENT, AND CONFIDENCE SCHEMES. WHITE COLLAR CRIMES COST OUR SOCIETY BILLIONS OF DOLLARS EACH YEAR. THIS PUBLICATION IS EVIDENCE OF THE EFFORTS OF STATE LEGISLATURES AND CRIMINAL JUSTICE AGENCIES TO COMBAT WHITE COLLAR CRIME, WHICH IS BASICALLY A STATE AND LOCAL PROBLEM. THE COMPILATIONS ARE COMPREHENSIVE, ANNOTATED, AND INDEXED. (AUTHOR ABSTRACT MODIFIED)

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

211. **C. HAWKINS. CRIMINAL PROSECUTION OF FEDERAL TAX RETURN PREPARERS.** UNIVERSITY OF ARKANSAS LAW SCHOOL, FAYETTEVILLE AR 72701. *ARKANSAS LAW REVIEW,* V 30, N 4 (WINTER 1977), P 512-526. **NCJ-42673**

DISCUSSION OF THE FOUR MOST COMMONLY USED STATUTORY PROVISIONS IN PROSECUTIONS OF TAX PREPARERS AND THE ELEMENTS WHICH CONSTITUTE OFFENSE UNDER THESE STATUTES. CONSIDERED ARE SECTIONS 7201 OF THE INTERNAL REVENUE CODE, WHICH PROVIDE FOR CRIMINAL PROSECUTION OF ANYONE WILLFULLY AND AFFIRMATIVELY ATTEMPTING TO EVADE OR DEFEAT A TAX, AND SECTION 7206(2) APPLICABLE TO ANYONE AIDING OR ASSISTING IN SUCH AN ATTEMPT. SECTION 1001 OF THE UNITED STATES CRIMINAL CODE, ALSO DISCUSSED, COVERS FALSE STATEMENTS OR CONCEALMENTS CONCERNING MATTERS WITHIN THE JURISDICTION OF ANY DEPARTMENT OR AGENCY OF THE U.S. GOVERNMENT. THE OTHER CRIMINAL CODE OFFENSE EXAMINED IS THE 'CONSPIRACY' STATUTE FOUND IN SECTION 371.

212. **C. L. KARCHMER. MODEL CURRICULUM AND TRAINER'S GUIDE FOR PROGRAMS ON WHITE-COLLAR CRIME ENFORCEMENT.** BATTELLE MEMORIAL LAW AND JUSTICE STUDY CENTER, 4000 NE 41ST STREET, SEATTLE WA 98105. 45 p. 1978. **NCJ-54333**

THIS MANUAL INCLUDES SUGGESTIONS FOR SETTING UP SEMINARS AND RECRUITING INSTRUCTORS, AND A 14-UNIT COURSE OUTLINE COVERING THE DETECTION AND INVESTIGATION OF WHITE-COLLAR CRIME. EACH UNIT COVERS A SINGLE LAW ENFORCEMENT ISSUE. THE PRESENTATIONS INCLUDE AN INSTRUCTIONAL GOAL, THE RATIONALE BEHIND THE UNIT, THE TRAINING OBJECTIVES, A LIST OF RELEVANT SKILLS TO BE DEVELOPED, AND A LIST OF RESOURCE MATERIALS. THE 14 UNITS ARE WHAT IS WHITE-COLLAR CRIME?, RELATIONSHIP OF WHITE-COLLAR CRIME TO OTHER CRIME PROBLEMS, INVESTIGATIVE PLANNING, CONDUCTING SEARCHES FOR VIOLATIONS, INTELLIGENCE COLLECTION AND ANALYSIS, HANDLING OF COMPLAINTS, LOCATING SOURCES OF DOCUMENTARY INFORMATION, EMPLOYING FINANCIAL INVESTIGATION TOOLS, INTERVIEWING VICTIMS AND WITNESSES, INTERROGATION OF SUSPECTS, COMPUTER-RELATED FRAUD, USING THE COMPUTER AS AN INVESTIGATIVE AID, PRESENTATION OF A COMPLETED INVESTIGATION TO THE PROSECUTOR, AND USE OF CIVIL AND ADMINISTRATIVE REMEDIES. THE INTRODUCTION CONTAINS SUGGESTIONS FOR MODIFYING THE CURRICULUM TO MEET SPECIFIC NEEDS. IT ALSO DISCUSSES RECRUITING AND ORIENTING INSTRUCTORS, SELECTING PARTICIPANTS, AND OBTAINING THE INSTRUCTIONAL MATERIALS. NAMES AND ADDRESSES OF ORGANIZATIONS WHICH HAVE SPONSORED TRAINING COURSES ON WHITE-COLLAR CRIME ARE INCLUDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

213. **C. L. KARCHMER and D. RANDALL. COMPENDIUM OF OPERATIONAL AND PLANNING GUIDES TO WHITE-COLLAR CRIME ENFORCEMENT.** BATTELLE MEMORIAL LAW AND JUSTICE STUDY CENTER, 4000 NE 41ST STREET, SEATTLE WA 98105. 79 p. 1979. **NCJ-51994**

THIS ANNOTATED BIBLIOGRAPHY CITES STUDIES, BOOKS, MONOGRAPHS, AND ARTICLES RELATING TO THE INVESTIGATION AND PROSECUTION IN WHITE COLLAR CRIME, ORGANIZED CRIME, AND CORRUPTION CASES. THE 67 ITEMS ARE ARRANGED UNDER THREE CATEGORIES: GENERAL PLANNING AND ORIENTATION MATERIALS; ENFORCEMENT PROCESS GUIDES, AND GUIDES PERTAINING TO SPECIFIC FRAUD PROBLEMS. EACH REFERENCE PROVIDES A BRIEF SYNOPSIS OF THE PUBLICATION, DATA ON THE INTENDED AUDIENCE, FULL BIBLIOGRAPHIC INFORMATION, DOCUMENT

NUMBERS, WHERE APPLICABLE, AND THE PRICE OF THE PUBLICATION. MANY OF THE ITEMS WERE PREPARED BY THE NATIONAL CENTER ON WHITE-COLLAR CRIME FOR SPECIFIC STATE OR LOCAL JURISDICTIONS, BUT HAVE GENERAL APPLICABILITY. OTHER ITEMS INCLUDE FEDERAL GOVERNMENT PUBLICATIONS AND DETAILED ARTICLES BY EXPERTS IN SPECIFIC FIELDS. MOST WERE PUBLISHED BETWEEN 1975 AND 1978. THE REFERENCES CITED CAN BE USED BY OPERATIONAL PERSONNEL TO SOLVE EVERYDAY PROBLEMS, TO ORIENT NEW PERSONNEL IN WHITE-COLLAR CRIME ENFORCEMENT ISSUES, AND AS INSTRUCTIONAL AIDS IN FORMAL TRAINING PROGRAMS.

Supplemental Notes: A REPORT OF THE NATIONAL CENTER ON WHITE COLLAR CRIME.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: GPO Stock Order No. 027-000-00507-1; NCJRS MICROFICHE PROGRAM.

214. **J. E. LONG. EXPANDING ENFORCEMENT OPTIONS—THE SECURITIES FRAUD APPROACH—OPERATIONAL GUIDE TO WHITE-COLLAR CRIME ENFORCEMENT—A REPORT OF THE NATIONAL CENTER ON WHITE-COLLAR CRIME.** BATTELLE MEMORIAL LAW AND JUSTICE STUDY CENTER, 4000 NE 41ST STREET, SEATTLE WA 98105. 48 p. 1978. **NCJ-52001**

THE PURPOSE OF THIS GUIDE IS TO SHOW THAT STATE SECURITIES LAWS PROVIDE A VIABLE ALTERNATIVE FOR CONTROLLING VARIOUS TYPES OF SCHEMES WHICH ARE DIFFICULT TO CONTROL THROUGH USE OF TRADITIONAL STATUTES. THIS PAPER ATTEMPTS TO DISPEL THE MYTH THAT STATE SECURITIES LAWS ARE DIFFICULT AND CUMBERSOME ENFORCEMENT TOOLS. SUCH STATUTES CAN BE USED EFFECTIVELY AGAINST BUSINESS FRAUD BECAUSE, UNLIKE FEDERAL STATUTES, THEY DO NOT FOCUS ON NATIONALLY MARKETED SECURITIES. INSTEAD, THEY FOCUS ON IRREGULAR SECURITIES OR THOSE OF THE NEWLY FORMED COMPANY. THE STATE SECURITIES LAWS HAVE COME TO HAVE A WIDE RANGE OF APPLICABILITY TO BUSINESS OPPORTUNITY FRAUDS, INVESTMENT FRAUDS, AND GET-RICH-QUICK SCHEMES. MOST STATES EMPLOY THE DEFINITION OF SECURITY FOUND IN THE UNIFORM SECURITIES ACT OR THAT FOUND IN THE FEDERAL SECURITIES ACT OF 1933. THERE ARE THREE RECOGNIZED TESTS FOR THE DETERMINATION OF AN INVESTMENT CONTRACT--THE HOWEY TEST, THE RISK-CAPITAL TEST, AND THE COMBINED RISK-CAPITAL-HOWEY TEST. STATE SECURITIES LAWS ALLOW FOR PROSECUTION FOR FAILURE TO REGISTER SECURITIES, FOR FAILURE TO REGISTER AS AN AGENT OR DEALER, AND FOR SECURITIES-FRAUD VIOLATIONS. PROSECUTORS CAN USE THESE PROVISIONS IN VARIOUS WAYS, AND ILLUSTRATIONS ARE PROVIDED FROM VARIOUS STATES. CASE STUDIES DESCRIBE THE PROSECUTION OF A PYRAMID SALES SCHEME, A BUSINESS OPPORTUNITY SCHEME, AND AN ADVANCED-FEE SCHEME. THROUGHOUT THE DISCUSSION, STATE COURT DECISIONS AFFECTING VARIOUS ASPECTS OF SUCH PROSECUTIONS ARE CITED. APPENDIXES CONTAIN PHRASES AND DEFINITIONS FROM THE UNIFORM SECURITIES ACT, THE FULL TEXT OF THE NORTH DAKOTA FRANCHISE INVESTMENT ACT, THE CALIFORNIA GENERAL FALSE ADVERTISING STATUTE, AND A BIBLIOGRAPHY.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

215. **R. A. MANN and M. GUROL. OBJECTIVE APPROACH TO DETECTING AND CORRECTING DECEPTIVE ADVERTISING.** UNIVERSITY OF NOTRE DAME LAW SCHOOL, NOTRE DAME IN 46556. *NOTRE DAME LAWYER*, V 54, N 1 (OCTOBER 1978), P 73-101. **NCJ-53604**

AN OBJECTIVE TEST FOR DETECTING DECEPTIVE ADVERTISING AND DETERMINING WHETHER CORRECTIVE ADVERTISING HAS ACCOMPLISHED ITS PURPOSE IS PROPOSED. THE METHODS USED BY THE FEDERAL TRADE COMMISSION (FTC) TO DETECT AND PROVE DECEPTIVE ADVERTISING ARE REVIEWED BRIEFLY. THE HISTORY OF AND AUTHORITY FOR THE FTC'S CONTROVERSIAL USE OF CORRECTIVE (REMEDIAL) ADVERTISING ARE EXAMINED. IT IS CONCLUDED THAT THE FTC HAS BEEN SUBJECTIVE IN ITS DETECTION AND CORRECTION EFFORTS AND THAT, ALTHOUGH GREATER OBJECTIVITY HAS BEEN ADVOCATED, NO OBJECTIVE METHOD HAS BEEN PROPOSED. AN EXPERIMENTAL STUDY ILLUSTRATING AN APPROACH TO OBTAINING OBJECTIVE MEASURES OF DECEPTION IS DESCRIBED AND IMPLICATIONS OF THE STUDY'S METHODS AND FINDINGS FOR THE FTC ARE DISCUSSED. THE STUDY INVOLVED EXPOSING EXPERIMENTAL SUBJECTS (COLLEGE STUDENTS) TO FILMED ADVERTISEMENTS AND DETERMINING, PRIMARILY THROUGH USE OF A MEASURE CALLED THE SALIENT DECEPTION SCORE (SDS), THE EXTENT TO WHICH THE ADVERTISEMENTS INFLUENCED SUBJECTS' PERCEPTIONS OF THE PRODUCTS BEING ADVERTISED. THE FTC IS URGED TO USE CONSUMER SURVEYS DESIGNED TO YIELD SDS'S TO DETECT AND CORRECT DECEPTIVE ADVERTISING. SUCH SURVEYS WOULD BE USEFUL IN ASSESSING THE DECEPTIVENESS OF A SUSPECTED ADVERTISEMENT, IN DETERMINING WHICH CASES REQUIRE REMEDIAL STEPS, IN ESTABLISHING REQUIREMENTS FOR CORRECTIVE ADVERTISEMENTS, AND IN EVALUATING THE EFFECTIVENESS OF CORRECTIVE ADVERTISEMENTS. IT IS CONCLUDED THAT AN OBJECTIVE APPROACH WOULD IMPROVE ADVERTISING REGULATION, CONSUMER PROTECTION, BUSINESS PRACTICES, ADVERTISING EFFECTIVENESS, AND THE PUBLIC IMAGE OF MARKETING. SUPPORTING DATA FROM THE EXPERIMENT ARE INCLUDED.

216. **C. A. MILLER. ECONOMIC CRIME—A PROSECUTOR'S HORNBOOK.** NATIONAL DISTRICT ATTORNEYS ASSOCIATION, 666 NORTH LAKE SHORE DRIVE, SUITE 1432, CHICAGO IL 60611. 95 p. 1974. **NCJ-13360**

REPORT ON THE EFFECTIVE INVESTIGATION AND PROSECUTION OF CRIMINAL FRAUD. THE LEGAL DEFINITIONS OF WHAT CONSTITUTES FRAUD, FALSE PRETENSE, FALSE REPRESENTATION, FALSE PROMISE, SCHEME TO DEFRAUD, AND MONEY AND PROPERTY ARE GIVEN. BRIEF EXAMPLES OF CERTAIN FRAUDULENT SCHEMES ARE CITED TOGETHER WITH THE PROSECUTIONS SUCCESSFULLY UNDERTAKEN IN EACH EXAMPLE CATEGORY. EXCERPTS FROM SIGNIFICANT COURT DECISIONS BEARING ON POINTS OF LAW IN FRAUD CASES ARE QUOTED. THE MOST FREQUENTLY USED DEFENSES ARE ALSO DISCUSSED. RULINGS UNDER THE FEDERAL STATUTE ARE USED AS POINTS OF REFERENCE. ALSO COVERED IS THE APPROACH AND STRATEGY USED BY THE FRAUD INVESTIGATOR IN FOLLOWING-UP A COMPLAINT. A FIVE—PAGE TABLE IS FURNISHED OF THE CASES, BOTH FEDERAL AND STATE, CITED IN THIS REPORT.

Supplemental Notes: SPECIAL EDITION OF THE ECONOMIC CRIME PROJECT CENTER'S MONTHLY NEWSLETTER.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

217. **C. MOORE, SAXON M, and S. CHRISTENSON. LAW ENFORCEMENT ASSISTANCE ADMINISTRATION SUPPORT FOR ACTIVITIES TO COMBAT WHITE COLLAR CRIME.** LIBRARY OF CONGRESS CONGRESSIONAL RESEARCH SERVICE, WASHINGTON DC 20540. 19 p. 1979. **NCJ-63712**

LEAA SUPPORT FOR PROJECTS AND ACTIVITIES THAT COMBAT WHITE-COLLAR CRIME ARE DISCUSSED ACCORDING TO VARIOUS CATEGORIES OF ASSISTANCE. FOR PURPOSES OF THIS REVIEW, WHITE-COLLAR CRIME INCLUDES SUCH OFFENSES AS PUBLIC CORRUPTION, EMBEZZLEMENT, FORGERY, COUNTERFEITING, COMPUTER CRIME, AND FRAUD (INCLUDING FRAUD AGAINST GOVERNMENT PRO-

GRAMS, EMPLOYEE THEFT, AND ANTITRUST VIOLATIONS). CATEGORIES OF ASSISTANCE COVERED ARE BLOCK GRANTS; NON-BLOCK GRANTS, INCLUDING PART C DISCRETIONARY (UNDER TITLE I OF THE 1968 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT) FUNDS; TECHNICAL ASSISTANCE AND STATISTICAL GRANTS. AND NON-BLOCK RESEARCH AND STATISTICAL GRANTS. INFORMATION IS PROVIDED ON BLOCK GRANT AWARDS FOR FISCAL YEARS 1974 TO 1978. WHITE-COLLAR CRIME PROJECTS ARE SEPARATED INTO SIX GENERAL CATEGORIES: LAW ENFORCEMENT, PROSECUTION, SPECIAL ENTITY, TRAINING, EQUIPMENT AND RENOVATION, AND GENERAL. A TOTAL OF 21 STATES RECEIVED AT LEAST ONE BLOCK GRANT FOR A WHITE-COLLAR CRIME PROJECT WITH FISCAL YEAR 1974 FUNDS. THE GREATEST PART OF THESE FUNDS (71 PERCENT) WENT FOR SPECIAL ENTITIES, SUCH AS SPECIAL PROSECUTORS AND CRIME COMMISSIONS. LAW ENFORCEMENT PROJECTS RECEIVED 15 PERCENT OF THE FUNDS, WHILE PROSECUTION ACTIVITIES RECEIVED 11 PERCENT. FISCAL YEAR 1976 DATA SHOW THE GREATEST PROPORTION AND DOLLAR AMOUNT OF BLOCK GRANTS SUBGRANTED TO WHITE-COLLAR CRIME PROJECTS UNDER THE STATE BLOCK GRANT PROGRAM. FOR THE 1974-1978 PERIOD, THE FOLLOWING TOTALS WERE SPENT FOR BLOCK GRANTS: $1,908,358 FOR LAW ENFORCEMENT, $2,658,932 FOR PROSECUTION, $7,718,178 FOR SPECIAL ENTITIES, $422,115 FOR EDUCATION AND TRAINING, $59,489 FOR EQUIPMENT AND RENOVATION, AND $171,917 FOR GENERAL PURPOSES. THE LARGEST PROPORTION OF NON-BLOCK GRANT ASSISTANCE WAS PROVIDED THROUGH LEAA'S PART C DISCRETIONARY GRANTS AND FROM TECHNICAL ASSISTANCE FUNDS. USING THE SAME CATEGORIES AS THE BLOCK GRANTS, AWARDS WERE PROVIDED TO 25 STATES. THE TYPES OF WHITE-COLLAR CRIME STUDIES FUNDED BY NON-BLOCK RESEARCH AND RESEARCH AND STATISTICAL GRANTS, BEGINNING IN FISCAL YEAR 1975, INCLUDE THREE STUDIES OF VARIOUS ASPECTS OF CRIME AGAINST BUSINESS, FOUR STUDIES OF POLICE CORRUPTION, ONE MAJOR SURVEY OF CORPORATE CRIME, A NATIONAL SURVEY OF CONSUMER FRAUD LAWS, AND A STUDY OF COMPUTER-ASSISTED CRIME. TABULAR DATA ARE PROVIDED.

218. **F. MUFTIC. HANDLING COMPLAINTS AND REFERRALS—OPERATIONAL GUIDE TO WHITE-COLLAR CRIME ENFORCEMENT—A REPORT OF THE NATIONAL CENTER ON WHITE-COLLAR CRIME.** BATTELLE MEMORIAL LAW AND JUSTICE STUDY CENTER, 4000 NE 41ST STREET, SEATTLE WA 98105. 27 p. 1978. **NCJ-51998**

THIS GUIDE EXPLAINS THE USEFULNESS OF A COMPLAINT SYSTEM AS A SUPPORT OF LAW ENFORCEMENT EFFORTS AND IDENTIFIES ELEMENTS ESSENTIAL FOR SUCCESSFUL OPERATION OF A COMPLAINT SYSTEM. SOME STATE AND LOCAL PROSECUTORS HAVE FORMED WHITE COLLAR CRIME/CONSUMER FRAUD UNITS. THE TECHNIQUES USED BY THE OFFICES FOR INVESTIGATION AND PROSECUTION HAVE BEEN SIMILAR, BUT APPROACHES TO HANDLING PUBLIC COMPLAINTS HAVE VARIED. THE RECEIPT AND HANDLING OF CITIZEN COMPLAINTS ARE IMPORTANT ELEMENTS IN THE MANAGEMENT OF A SUCCESSFUL WHITE COLLAR CRIME ENFORCEMENT EFFORT BECAUSE THEY CAN BE A SOURCE OF DETECTION AND CAN HELP IN DEVELOPING PLANS OF OPERATION. COMPLAINTS ALSO PROVIDE METHODS FOR IDENTIFYING EVIDENCE OF SIMILAR ACTS, WHICH IS AN IMPORTANT ASPECT OF PROVING THAT CRIMINAL ACTS WERE CLEARLY INTENDED RATHER THAN AN INADVERTENT OCCURRENCE. THE BASIC QUESTION OF WHETHER OR NOT TO HANDLE COMPLAINTS CAN BE ANSWERED BY CONSIDERING THE FOLLOWING USES OF A COMPLAINT HANDLING SYSTEM: TO AID PROSECUTION; TO GATHER INTELLIGENCE TO IDENTIFY SIMILAR VICTIMS; TO PREVENT VICTIMIZATION; TO ISSUE WARNINGS; AND TO IDENTIFY TARGETS FOR UNDERCOVER OPERATIONS. 'IN-HOUSE' COMPLAINT HANDLING SYSTEMS ARE RECOMMENDED FOR A MOST EFFICIENT AND EFFECTIVE OPERATION. THE FOLLOWING CHARACTERISTICS ARE CONSIDERED ESSENTIAL FOR A SUCCESSFUL COMPLAINT SYSTEM: SPEEDY RESPONSE; ACCESSIBILITY TO THE PUBLIC; ACCURATE RECORD KEEPING; CONTINUOUS SUPERVISION AND MONITORING; ADEQUATE ATTORNEY CONTROL; ESTABLISHMENT OF PRIORITIES BASED ON GENERATED INFORMATION; AND PROVISION FOR EVALUATION DATA. COMPUTERIZATION IS SUPPORTED AS A KEY MANAGEMENT TOOL TO KEEP STANDARDS HIGH AND TO MAINTAIN A SATISFACTORY WORK FLOW. ECONOMIC NECCESSITY AND THE DEMAND FOR COMPETENCY AND SUPERVISION SUGGEST THE USE OF PARALEGALS AND INTERNS IN THIS TYPE OF PROGRAM. THE COMPLAINT FLOW MECHANISMS OF THE METROPOLITAN DENVER, COLO., COMPLAINT HANDLING SYSTEM WHICH IS CONSIDERED TO BE A SUCCESSFUL OPERATION IS REVIEWED. ALTHOUGH A COMPLAINT SYSTEM IS CONSIDERED TO BE A MAJOR PROJECT REQUIRING TIME, EFFORT, AND FUNDING, IT IS A VALUABLE ASSET TO WHITE COLLAR CRIME/CONSUMER FRAUD OFFICES IN MEETING PUBLIC NEEDS AND DEMANDS. AN APPENDIX ILLUSTRATING A CASE FLOW CHART IS PROVIDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

219. **NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609. ANALYSIS AND DIGEST OF CONSUMER PROTECTION CASE LAW.** 67 p. 1976. **NCJ-35348**

AN EXAMINATION AND ANALYSIS OF RECENT CONSUMER PROTECTION CASE LAW IN THE FOLLOWING AREAS: DEFENSE OF CONSUMER LEGISLATION FROM CONSTITUTIONAL CHALLENGES, SUBSTANTIVE STATUTORY APPLICATIONS, AND PROCEDURAL QUESTIONS. MOST STATE UNFAIR OR DECEPTIVE TRADE PRACTICE STATUTES HAVE BEEN ENACTED IN RECENT YEARS AND THE PROCESS OF DEVELOPING REPORTED PRECEDENT UNDER SUCH STATUTES HAS JUST BEGUN. PRECEDENT UNDER SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT AS TO WHAT CONSTITUTES AN UNFAIR OR DECEPTIVE TRADE PRACTICE IS OF SUBSTANTIAL ASSISTANCE. HOWEVER, CASE LAW UNDER THE SIMILAR STATUTES OF SISTER STATES IS BEGINNING TO DEVELOP AND THIS REPORT IS INTENDED TO ANALYZE AND CATEGORIZE SUCH REPORTED DECISIONS. EMPHASIS OF ANALYSIS IS PLACED ON THE CONSTITUTIONAL CHALLENGES SECTION OF THIS REPORT AND A CASE DIGEST APPROACH IS TAKEN TO CASES RAISING SUBSTANTIVE STATUTORY APPLICATION AND PROCEDURAL QUESTIONS. (AUTHOR ABSTRACT MODIFIED)

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

220. **NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609. ATTORNEYS GENERAL'S CORRUPTION CONTROL UNITS.** 73 p. 1978. **NCJ-52799**

A VARIETY OF CIVIL APPROACHES TO DISCOVERING, INVESTIGATING, AND PROSECUTING OFFICIAL CORRUPTION FROM WITHIN THE ATTORNEY GENERAL'S OFFICE ARE DESCRIBED AND EXAMPLES OF SUCCESSFUL CIVIL ACTIONS ARE PRESENTED. THIS GUIDE TO STATES' ACTIVITIES IN CORRUPTION CONTROL BEGINS WITH AN OUTLINE OF THE ATTORNEY GENERAL'S POWERS OF PROSECUTION AND INVESTIGATION, STATUTORY AUTHORITY IN CORRUPTION CASES, ALTERNATIVES TO CRIMINAL PROSECUTION, AND THE RELATIONSHIP BETWEEN ATTORNEYS GENERAL AND LOCAL PROSECUTORS. STATES USE THREE BASIC ARRANGEMENTS FOR CONDUCTING CORRUPTION INVESTIGATIONS AND

PROSECUTIONS, INCLUDING CENTRALIZING THE ACTIVITIES UNDER THE CRIME OR ECONOMIC CRIME DIVISIONS OF THE OFFICE, ESTABLISHING SPECIALIZED DIVISIONS FOR CORRUPTION CONTROL, OR CREATING AN OFFICE OF SPECIAL PROSECUTOR. THE STRUCTURAL ORGANIZATION, PERSONNEL REQUIREMENTS, AND FINANCIAL FACTORS COMMON TO THESE ARRANGEMENTS ARE DISCUSSED. THE ATTORNEY GENERAL'S OFFICE COLLECTS INFORMATION ON CORRUPTION CASES FROM CITIZEN INQUIRIES OR COMPLAINTS, REFERRALS FROM OTHER AGENCIES OR LOCAL PROSECUTORS, INFORMANTS' TIPS, AND FROM INVESTIGATION UNITS. THE DATA MUST BE ANALYZED AND PRIORITIES FOR INVESTIGATION MUST BE SELECTED. SOPHISTICATED INVESTIGATIVE TECHNIQUES SUCH AS STATEWIDE GRAND JURIES AND ELECTRONIC SURVEILLANCE CAN BE USED WITH TRADITIONAL TECHNIQUES FOR INVESTIGATING CASES, AND CASE PREPARATION SHOULD ENTAIL CONTINUOUS ANALYSIS OF EVIDENCE TO DETERMINE THE TRUE FACTS AND THE SIGNIFICANCE OF THE CASE. SELECTION OF TRIAL AND APPEAL LAWYERS IS COVERED AS WELL AS WITNESS IMMUNITY AND PLEA BARGAINING.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609; NCJRS MICROFICHE PROGRAM.

221. **NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609. LAND AND CONDOMINIUM SALES REGULATION.** 82 p. 1975. **NCJ-35362**

THIS REPORT DESCRIBES STATE LEGISLATIVE AND REGULATORY RESPONSES TO LAND AND CONDOMINIUM SALES FRAUD, WITH EMPHASIS ON BOTH THE STATE'S AND THE STATE ATTORNEY GENERAL'S ROLE IN ENFORCING THESE LAWS. REFERENCE IS PROVIDED TO EXISTING LEGISLATIVE, REGULATORY, AND ENFORCEMENT ACTIVITIES AND PROPOSED LEGISLATIVE RESPONSES ARE OUTLINED. NOVEL APPLICATIONS OF STATE UNFAIR AND DECEPTIVE TRADE PRACTICES STATUTES TO LAND SALES AND LEASE ISSUES ARE HIGHLIGHTED. A DIGEST OF REPORTED AND NON-REPORTED COURT DECISION IS ALSO APPENDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609.

222. **NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609. LEGISLATION REGULATING AUTO REPAIR.** 47 p. 1976. **NCJ-34634**

THIS REPORT REVIEWS THE NEED FOR COMPREHENSIVE AUTO REPAIR LAWS, THE PROBLEMS ENCOUNTERED IN THEIR ADOPTION, AND THE CURRENT STATE LAWS DESIGNED TO ALLEVIATE AUTOMOTIVE REPAIR FRAUD AND INCOMPETENCE. COMMON LAW REMEDIES AND THEIR INHERENT PROBLEMS ARE PRESENTED. PROGRAMS SPONSORED BY THE AUTO REPAIR INDUSTRY AND INDUSTRY OPPOSITION TO STATUTORY REMEDIES ARE DISCUSSED. A TABLE IS PRESENTED THAT SHOWS THE STATES (AND STATUTE NUMBERS) THAT HAVE ENACTED LEGISLATION. DIFFERENT STATUTORY APPROACHES ARE DISCUSSED, INCLUDING THE LICENSING APPROACH AND THE REGULATION OF REPAIR FACILITIES. THE CONTRASTING APPROACHES TO AUTO REPAIR FRAUD AS USED BY OHIO AND MICHIGAN ARE COMPARED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609; NCJRS MICROFICHE PROGRAM.

223. **NATIONAL DISTRICT ATTORNEYS ASSOCIATION, 666 NORTH LAKE SHORE DRIVE, SUITE 1432, CHICAGO IL 60611. DIRECTORY OF ECONOMIC CRIME PROJECT UNITS.** 92 p. 1979. **NCJ-63527**

THIS DIRECTORY WAS COMPILED FOR USE BY THOSE UNITS THAT TOOK PART IN THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION (NDAA) ECONOMIC CRIME PROJECT (ECP) AND BY OTHER LOCAL, STATE, AND FEDERAL AGENCIES AND DEPARTMENTS. THE DIRECTORY LISTS THE PROSECUTOR; OFFICE ORGANIZATION AND DEPUTY OR ASSISTANT ASSIGNMENTS; ECONOMIC CRIME UNIT ADDRESS; UNIT CHIEF, ORGANIZATION, AND BUDGET; GRANTS, YEAR ESTABLISHED, AND UNIT GOALS; CONSUMER COMPLAINT PROCESSING FUNCTIONS; CONSUMER PROTECTION STATUTE WITH CIVIL POWERS; FELONY FILING PROCEDURES; CAPACITY FOR INDEPENDENT HANDLING OF TRIALS; AND AREAS OF EXPERTISE. THE ECP DEVELOPS EXPERTISE IN LOCAL DISTRICT ATTORNEYS' OFFICES FOR THE INVESTIGATION AND PROSECUTION OF ECONOMIC CRIME. AS SUCH, IT HAS GROWN FROM 15 ECP UNITS IN 1973 TO 72 ECP UNITS IN 1979 WITH THE SUPPORT OF LEAA. IN ITS FIFTH GRANT YEAR, ECP BEGAN ITS NATIONAL STRATEGY PROGRAM TO DEVELOP COOPERATIVE ENFORCEMENT ACTIVITIES TO COMBAT ECONOMIC CRIME. THIS DIRECTORY ALSO SUPPORTS THAT INITIATIVE BY SERVING AS A REFERENCE SOURCE WHICH IDENTIFIES ECP UNIT STRENGTHS FOR LOCAL, STATE, AND FEDERAL AGENCIES. PROFILES ARE LISTED IN ALPHABETICAL ORDER BY THE STATE IN WHICH THE UNIT IS LOCATED AND FURTHER CATEGORIZED IN ALPHABETICAL ORDER BY THE COUNTY AND CITY OF THE UNITS. FIELD OFFICE UNITS OF THE NDAA ARE ALSO LISTED BY STATE.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

224. **NATIONAL DISTRICT ATTORNEYS ASSOCIATION, 666 NORTH LAKE SHORE DRIVE, SUITE 1432, CHICAGO IL 60611. NATIONAL DISTRICT ATTORNEYS ASSOCIATION—ECONOMIC CRIME PROJECT—YEAR-END REPORT, 2ND, 1975—FIGHTING THE $40 BILLION RIP-OFF.** 77 p. 1976. **NCJ-34544**

IN ITS SECOND FULL YEAR OF OPERATION, THE ECONOMIC CRIME PROJECT HAS EXPANDED ITS PARTICIPATING AND ASSOCIATED UNITS IN DISTRICT ATTORNEYS' OFFICES FROM 15 TO 41; DATA FOR EACH UNIT AND FOR THE PROJECT ARE PRESENTED. MAJOR INVESTIGATIONS FOCUSED ON THE FOLLOWING: GAS-SAVING DEVICES, CHARITY SOLICITATION FRAUDS, GOLD AND SILVER RENTAL LOCATORS, AUTO REBATES, BUSINESS OPPORTUNITIES, AND NURSING HOMES.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

225. **NATIONAL DISTRICT ATTORNEYS ASSOCIATION. PROSECUTOR'S MANUAL ON ECONOMIC CRIME—A SPECIAL CRIMINAL JUSTICE IMPROVEMENT PUBLICATION OF THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION.** 225 p. 1977. **NCJ-43398**

THIS MANUAL IS A PRACTICAL GUIDE FOR PROSECUTORS SEEKING TECHNICAL ADVICE AND ASSISTANCE IN THE AREA OF ECONOMIC CRIME, AND IS PARTICULARLY GEARED TO THOSE LACKING BACKGROUND AND EXPERIENCE IN PROSECUTING SUCH CASES. INFORMATION IS INCLUDED ON THE MOST PREVALENT ECONOMIC CRIME SCHEMES (WITH CASE CITATIONS) AND THE MAJOR BODY OF LAW AND STATUTES TRADITIONALLY UTILIZED IN ECONOMIC CRIME PROSECUTION. ALSO PRESENTED ARE MODEL ECONOMIC CRIME LEGISLATION AND THE ORGANIZATION AND MANAGEMENT OF AN ECONOMIC CRIME UNIT. THE MANUAL DISCUSSES KEY ELEMENTS, CONSIDERATIONS, AND TACTICS FOR THE ACTUAL TRIAL OF AN ECONOMIC CRIME CASE. SENTENCING

ARGUMENTS ARE TREATED, TOGETHER WITH A MODEL SENTENCING MEMORANDUM. INCLUDED IN THE GUIDE ARE A NATIONAL ECONOMIC CRIME INVESTIGATORY AND PROSECUTION RESOURCE DIRECTORY TO ASSIST LOCAL PROSECUTORS, AND A BIBLIOGRAPHY COVERING MAJOR ECONOMIC CRIME ISSUES.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

226. **NATIONAL DISTRICT ATTORNEYS ASSOCIATION. STATES' TWO-FOLD COMMODITIES ENFORCEMENT ROLE—STATE PARENS PATRIAE SUITS TO UPHOLD THE COMMODITY EXCHANGE ACT AND STATE PROSECUTIONS UNDER GENERAL CRIMINAL ANTIFRAUD STATUTES.** *ECONOMIC CRIME DIGEST,* V 4, N 4 (MARCH-APRIL, 1978), P 31-42. **NCJ-47506**

THE STATE ROLE FOLLOWING PASSAGE OF THE COMMODITY FUTURES TRADING COMMISSION ACT OF 1974, WHICH PREEMPTED STATE REGULATION OF COMMODITY FUTURES TRADING AND RELATED ACTIVITIES, IS CONSIDERED. ALTHOUGH THE 1975 LAW EXPRESSLY CHARGES THE COMMODITY FUTURES TRADING COMMISSION WITH THE PRIMARY RESPONSIBILITY FOR PROTECTING THE PUBLIC AGAINST COMMODITY FRAUDS THROUGH ENFORCEMENT OF THE COMMODITY EXCHANGE ACT, THE STATES CONTINUE TO PLAY A ROLE IN PROTECTING THEIR CITIZENS AGAINST COMMODITY FRAUD. STATES MAY TAKE ACTION TO ENFORCE THE FEDERAL LAW UNDER THE DOCTRINE OF PARENS PATRIAE AND, CONSISTENT WITH THE FEDERAL REGULATORY SCHEME, MAY CONTINUE TO ENFORCE THEIR OWN GENERAL CRIMINAL ANTIFRAUD STATUTES. COURT CASES SUPPORTING THE PARENS PATRIAE ROLE ARE CITED. THE BENEFITS TO BE DERIVED THROUGH STATES' WILLINGNESS TO COORDINATE THEIR ENFORCEMENT EFFORTS WITH THE COMMISSION'S PROGRAM ARE POINTED OUT.

Supplemental Notes: MEMORANDUM OF THE OFFICE OF THE GENERAL COUNSEL COMMODITY FUTURES TRADING COMMISSION.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

227. **A. M. NEAL JR, Ed. PROSECUTING ORGANIZED CRIME—SUMMARIES OF SPEECHES TO NAAG (NATIONAL ASSOCIATION OF ATTORNEYS GENERAL) SEMINAR.** NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609. 73 p. 1974. **NCJ-16409**

SPEECHES MADE IN A SERIES OF SEVEN SEMINARS HELD THROUGHOUT THE COUNTRY ON THE SUBJECTS OF CORRUPTION OF PUBLIC OFFICIALS, TAX LAW ENFORCEMENT, AND ENFORCEMENT OF STATE ANTITRUST LAWS. OTHER AREAS COVERED IN THESE SEMINARS INCLUDED THE FORMATION AND MANAGEMENT OF THE ORGANIZED CRIME CONTROL UNIT, INVESTIGATIVE AND PROSECUTIVE TECHNIQUES, AND LEGISLATIVE APPROACHES TO ORGANIZED CRIME CONTROL. A LIST OF SEMINAR PARTICIPANTS BY STATE IS ALSO INCLUDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

228. **R. A. NOSSEN. DETERMINATION OF UNDISCLOSED FINANCIAL INTEREST OPERATIONAL GUIDE TO WHITE-COLLAR CRIME ENFORCEMENT—A REPORT OF THE NATIONAL CENTER ON WHITE-COLLAR CRIME.** BATTELLE MEMORIAL LAW AND JUSTICE STUDY CENTER, 4000 NE 41ST STREET, SEATTLE WA 98105. 30 p. 1977. **NCJ-51997**

THIS GUIDE DISCUSSES BASIC INVESTIGATIVE TECHNIQUES FOR TRACING FINANCIAL TRANSACTIONS OF WHITE-COLLAR CRIMINALS TO DETECT HIDDEN OWNERSHIP OF BUSINESS INTERESTS AND OTHER PROPERTY. BANK RECORDS ARE NOT READILY OBTAINABLE BY INVESTIGATORS, AND SUBSTANTIAL LEGAL REQUIREMENTS USUALLY HAVE TO BE MET FOR DISCLOSURE. PRELIMINARY INVESTIGATION IS REQUIRED, THEREFORE, AS A BASIS FOR OBTAINING SUCH RECORDS. BANKS ARE REQUIRED TO RETAIN DEMAND DEPOSIT AND SAVINGS ACCOUNT RECORDS FOR FIVE YEARS AND RECORDS NEEDED TO TRACE A CHECK IN EXCESS OF $100.00 DEPOSITED IN A DEMAND ACCOUNT OR TO SUPPLY A DESCRIPTION OF A DEPOSITED CHECK FOR THAT AMOUNT FOR TWO YEARS. WITH PROPER AUTHORITY, AN INVESTIGATOR CAN ANALYZE A SUSPECT'S BANK ACCOUNTS, IDENTIFY THE MAKER OF SPECIFIC CHECKS, AND DETERMINE THE NATURE OF THE SUSPECT'S EXPENDITURES. SUCH INFORMATION CAN HELP ESTABLISH HIDDEN OWNERSHIP OF BUSINESSES AND ASSETS AND FURNISH NAMES OF POSSIBLE ASSOCIATES OF THOSE SUSPECTED OF WHITE-COLLAR CRIME ACTIVITIES. SAFE DEPOSIT BOX ENTRANCE RECORDS PROVIDE INFORMATION CONCERNING THE DATE ON WHICH AND TIME OF DAY AT WHICH A SUSPECT ENTERED HIS BOX AND SAMPLE OF THE SUSPECT'S SIGNATURE. LOAN FILES CONTAIN A RECORD OF ALL LOAN TRANSACTIONS, THE COLLATERAL THAT SECURES LOANS, AND THE RESULTS OF CREDIT INVESTIGATIONS MADE BY THE BANK. CASHED CHECKS CAN BE RECOGNIZED BY THE CODE STAMPED BY THE BANK ON THE FACE OF THE CHECK. BECAUSE CODES ARE NOT UNIFORM, INVESTIGATORS SHOULD BECOME FAMILIAR WITH THE STAMPS USED BY BANKS IN THEIR GEOGRAPHIC AREAS. AN INVESTIGATOR CAN ANALYZE SUSPECTS' STATEMENTS OF TRANSACTIONS IN BROKERAGE ACCOUNTS, WHICH PROVIDE COMMON REPOSITORIES FOR PROFITS FROM WHITE-COLLAR CRIME ACTIVITIES. INFORMATION CAN BE OBTAINED ALSO FROM STATE, COUNTY, AND CITY RECORDS CONCERNING TRANSFERS ON REAL PROPERTY, AND ACTUAL OWNERS OF BUSINESSES CAN BE DETERMINED FROM THE FICTITIOUS NAME INDEXES MAINTAINED IN COUNTY CLERK OFFICES. INVESTIGATORS SHOULD MAKE USE OF SUBPOENA POWER, GRAND JURIES, LEGISLATIVE BODIES, CRIME COMMISSIONS, AND OTHER ADMINISTRATIVE GROUPS TO OBTAIN INFORMATION FROM BANKS, FINANCIAL INSTITUTIONS, AND THIRD PARTIES. SINCE WHITE-COLLAR CRIMINALS CONDUCT THEIR FINANCIAL TRANSACTIONS WITH CURRENCY, INVESTIGATORS MUST DEVELOP THEIR 'PAPER TRAIL' SKILLS AND TECHNIQUES. EXAMPLES OF SCHEDULES OF QUESTIONABLE DEPOSITS, QUESTIONABLE WITHDRAWALS, AND SAFE DEPOSIT BOX ENTRIES ARE INCLUDED. AN APPENDIX DISCUSSES THE TRACING OF FUNDS IN FOREIGN BANK ACCOUNTS.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: GPO Stock Order No. 027-000-00785-6; NCJRS MICROFICHE PROGRAM.

229. **R. A. NOSSEN. SEVENTH BASIC INVESTIGATIVE TECHNIQUE—ANALYZING FINANCIAL TRANSACTIONS IN THE INVESTIGATION OF ORGANIZED CRIME AND WHITE COLLAR CRIME TARGETS.** NATIONAL CONFERENCE ON ORGANIZED CRIME. 56 p. 1975. **NCJ-39865**

THE HANDBOOK PRESENTS INVESTIGATIVE ACCOUNTING TECHNIQUES TO BE USED BY CRIMINAL INVESTIGATORS WHO ARE RELUCTANT TO INVESTIGATE FINANCIAL CRIMES AND TRANSACTIONS. THE NET WORTH-EXPENDITURES PRINCIPLE IS A MATHEMATICAL COMPUTATION DESIGNED TO DETERMINE THE TOTAL ACCUMULATION OF WEALTH AND ANNUAL EXPENDITURES MADE BY AN INDIVIDUAL WHEN NO BOOKS OR PERSONAL RECORDS ARE AVAILABLE. THE PRINCIPLE IS EXPLAINED BASED ON A HYPOTHETICAL PRACTICAL EXERCISE WHICH DESCRIBES THE INVESTIGATION OF A SUSPECTED FENCING OPERATOR. THE TECHNIQUE INCLUDES INVESTIGATION OF BUSINESS RECORDS, UNUSUAL EXPENDITURES, AND BANK TRANSACTIONS. SOURCES OF INFORMATION SUCH AS BANK RECORDS, CASHED CHECKS,

NATIONAL CREDIT CARDS, AND TRAVELER'S CHECKS ARE ALSO DISCUSSED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

230. **R. O'NEILL. INVESTIGATIVE PLANNING—OPERATIONAL GUIDE TO WHITE-COLLAR CRIME ENFORCEMENT—A REPORT OF THE NATIONAL CENTER ON WHITE-COLLAR CRIME.** BATTELLE MEMORIAL LAW AND JUSTICE STUDY CENTER, 4000 NE 41ST STREET, SEATTLE WA 98105. 23 p. 1977. **NCJ-51996**

THIS STEP-BY-STEP MANUAL IS WRITTEN TO HELP THE POLICE AGENCY UNFAMILIAR WITH THE COMPLEXITY OF WHITE COLLAR CRIME TO PLAN AND CARRY OUT INVESTIGATIONS. TECHNIQUES, WARNINGS, AND HINTS ARE PROVIDED. THE INVESTIGATION OF WHITE COLLAR CRIME IS PRESENTED AS A CHALLENGE, MORE INTERESTING TO INVESTIGATORS THAN ROUTINE BURGLARY AND LARCENY CASES. THE IMPORTANCE OF DEVELOPING A CLEAR IDEA OF THE TYPES OF FRAUD PERPETRATED IN WHITE COLLAR CRIME IS EMPHASIZED. TECHNIQUES FOR GATHERING INTELLIGENCE ARE DISCUSSED AND THE IMPORTANCE OF PATIENCE AND FLEXIBILITY FOR THE INVESTIGATOR IS STRESSED. INVESTIGATORS ARE WARNED THAT SUSPECTS OFTEN WILL BE MORE FAMILIAR WITH BUSINESS LAW AND OPERATIONS THAN THE INVESTIGATOR. TECHNIQUES FOR SUCCESSFULLY HANDLING WITNESSES AND SUSPECTS UNDER THESE CONDITIONS ARE EXPLAINED. SEARCH AND SEIZURE TECHNIQUES ARE DISCUSSED IN DETAIL, AND INVESTIGATORS ARE WARNED THAT THEY WILL NEED GOOD REASONS FOR SEIZING DOCUMENTS. COURT CASES AFFECTING THE DOCUMENT SEIZURE PROCESS ARE REVIEWED BRIEFLY. DOCUMENT CONTROL ALSO IS COVERED IN DETAIL; INVESTIGATORS ARE WARNED AGAINST LOSING ORIGINAL DOCUMENTS, OR WORSE, BURYING THEM IN PILES OF PAPER SO THAT THEY CANNOT BE RETRIEVED EASILY. VARIOUS TYPES OF DOCUMENT CONTROL SYSTEMS ARE EXAMINED. INTERVIEWING, REPORT WRITING, AND DATA ANALYSIS ARE EXAMINED ALSO. THE USE OF A CALENDAR FRAMEWORK TO TRACE THE OPERATIONS OF A SCHEME IS EXPLAINED. A GRAPHIC ANALYSIS IS RECOMMENDED AS AN INVESTIGATIVE TOOL. TWO REFERENCES ARE PROVIDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NCJRS MICROFICHE PROGRAM.

231. **N. S. OSTROW, Ed. WHITE COLLAR CRIMES—DEFENSE STRATEGIES.** 248 p. 1977. **NCJ-42429**

THIS BOOK COVERS SUCH FACTORS AS MOTIONS RELATING TO THE GRAND JURY, SUPERVISION, SENTENCE, VENUE, AND DISMISSAL. IT ALSO DEALS WITH ACCOMPLICE WITNESSES, AND DISCOVERY. THIS ANTHOLOGY CONTAINS CASE LAW.

Supplemental Notes: CRIMINAL LAW AND URBAN PROBLEMS COURSE HANDBOOK SERIES, NO 92.

Availability: PRACTICING LAW INSTITUTE, 810 SEVENTH AVENUE, NEW YORK NY 10019.

232. **PRACTICING LAW INSTITUTE, 810 SEVENTH AVENUE, NEW YORK NY 10019. WHITE COLLAR CRIMES 1978.** 176 p. 1978. **NCJ-60985**

THIS COURSE HANDBOOK, WHICH CAN BE USED AS A REFERENCE MANUAL BY ATTORNEYS AND RELATED PROFESSIONALS, EXAMINES SEVEN ASPECTS OF THE PROSECUTION OF WHITE-COLLAR CRIMES THAT HAVE BEEN AFFECTED BY COURT DECISIONS. ATTORNEYS SHOULD BE AWARE OF THE ENHANCED GOVERNMENT INTEREST IN PROSECUTING WHITE-COLLAR CRIMES. PROBLEMS ARISE IN TRYING TO REPRESENT SEVERAL CLIENTS IN THE SAME CASE; COUNSEL SHOULD MAKE CAREFUL ASSESSMENT OF THEIR CLIENTS' INVOLVEMENT IN SUCH CASES. IT IS IMPORTANT TO GAIN EARLY CONTROL BY THOROUGHLY INSTRUCTING CLIENTS ON HOW TO INTERACT WITH THE PROSECUTION AND MEDIA. COURTROOM STRATEGY SHOULD BE BASED ON SUCH FACTORS AS THE CLIENT'S POSITION IN THE CASE, THE NATURE OF THE EVIDENCE, AND VARIOUS MEANS OF COOPERATING WITH THE PROSECUTION. ALTHOUGH ATTORNEYS CANNOT ACCOMPANY THEIR CLIENTS INTO GRAND JURY PROCEEDINGS, THEY CAN USE THE DISTRICT COURT TO ENSURE THAT THEIR CLIENTS' RIGHTS ARE PROTECTED THROUGH SUCH PROCEDURES AS THE MOTION TO QUASH THE SUBPOENA. EVEN THOUGH POSTINDICTMENT MOTIONS BASED ON IRREGULARITIES IN GRAND JURY PROCEEDINGS ARE SOMEWHAT LIMITED IN SCOPE AS WELL AS IN SUCCESS, THEY SHOULD BE CONSIDERED. ATTORNEYS SHOULD BE AWARE OF THE USES AND RESTRAINTS PLACED ON THE APPLICATION OF BOTH FORMAL AND INFORMAL DISCOVERY PROCEDURES AND TAKE SPECIFIC STEPS TO PREPARE FOR SUCH CASES, INCLUDING INTERVIEWING WITNESSES, CONSULTING WITH EXPERTS, AND ASSESSING THE ADVANTAGES AND DISADVANTAGES OF JURY TRIALS. ATTORNEYS SHOULD BE FAMILIAR WITH RECOMMENDATIONS OF THE AMERICAN BAR ASSOCIATION REGARDING COUNSEL'S DUTIES IN THE SENTENCING PROCESS (NCJ-60986). SINCE WHITE COLLAR CRIMES FREQUENTLY INVOLVE TAX VIOLATIONS, ATTORNEYS MUST BE FAMILIAR WITH SUCH CASES AND METHODS OF PROOF USED IN PROSECUTING SUCH CRIMES. LISTINGS OF THE COURSE PROGRAM SCHEDULE AND FACULTY, AND THE LITIGATION AND ADMINISTRATIVE PRACTICE COURSE HANDBOOK SERIES FOR 1977 TO 1978 ARE PROVIDED. ALTHOUGH REFERENCES ARE NOT PROVIDED, SPECIFIC COURT CASES ARE CITED.

Supplemental Notes: LITIGATION AND ADMINISTRATIVE PRACTICE SERIES—CRIMINAL LAW AND URBAN PROBLEMS—COURSE HANDBOOK SERIES.

Availability: PRACTICING LAW INSTITUTE, 810 SEVENTH AVENUE, NEW YORK NY 10019.

233. **C. B. RENFREW. PAPER LABEL SENTENCES—AN EVALUATION.** YALE UNIVERSITY LAW SCHOOL, NEW HAVEN CT 06520. *YALE LAW JOURNAL*, V 86, N 4 (MARCH 1977), P 590-618. **NCJ-41661**

THIS ARTICLE DESCRIBES THE REASONING UNDERLYING THE IMPOSITION OF UNORTHODOX AND CONTROVERSIAL SENTENCES ON FIVE CORPORATE EXECUTIVES CONVICTED OF PRICE-FIXING BY FEDERAL JUDGE CHARLES B. RENFREW. JUDGE RENFREW EXPLAINS THE REASONING BEHIND HIS IMPOSITION OF SUSPENDED JAIL SENTENCES ON THE CORPORATE CRIMINALS 12 BUSINESS OR CIVIC GROUPS ON THE SUBJECT OF THEIR PARTICIPATION IN PRICE-FIXING IN THE PAPER LABEL INDUSTRY. THE ARTICLE ALSO DISCUSSES HIS EFFORTS TO ASSESS THE IMPACT OF THE SENTENCES BY ELICITING COMMENTS FROM THOSE WHO HEARD THE DEFENDANTS SPEAK AND FROM OTHER MEMBERS OF THE LEGAL AND BUSINESS COMMUNITY. THE PURPOSE OF THIS ARTICLE IS TO CONTRIBUTE TO THE BODY OF KNOWLEDGE CONCERNING THE EFFICACY OF SENTENCING DECISIONS AND TO ENCOURAGE OTHER JUDGES TO BECOME MORE ACTIVE PARTICIPANTS IN EVALUATING THE SENTENCES THEY IMPOSE. (AUTHOR ABSTRACT)

234. **B. A. RICH. STATE REGULATION AND THE ANTITRUST LAWS—CONFLICTING ROLES FOR ATTORNEYS GENERAL.** NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609. 25 p. 1975. **NCJ-35353**

THIS REPORT ANALYZES THE ORIGIN AND RATIONALE OF LEGAL DOCTRINES DESIGNED TO RECONCILE POTENTIALLY ANTI-COMPETITIVE REGULATIONS AND THE ANTI-TRUST LAWS. IT ALSO DISCUSSES GOVERNMENTAL ACTIVITY INTENDED TO REVIEW REGULATORY SCHEMES IN LIGHT OF

THE ANTI-TRUST LAWS AND, WHEN APPROPRIATE, TO BRING REGULATION IN LINE WITH THOSE LAWS. EMPHASIZED IS STATE REGULATION AND THE ROLE OF THE ATTORNEY GENERAL IN HARMONIZING IT WITH THE ANTI-TRUST LAWS. AN OUTLINE OF THE CASE HISTORY OF THE STATE REGULATION DEFENSE IS INCLUDED, ALONG WITH A DISCUSSION OF THE DOCTRINE OF PRIMARY JURISDICTION (WHETHER A COURT OUGHT TO BE BROUGHT INTO THE REGULATORY PROCESS, AND IF SO, AT WHAT STAGE AND IN WHAT CAPACITY).

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609.

235. **C. F. C. RUFF. FEDERAL PROSECUTION OF LOCAL CORRUPTION—A CASE STUDY IN THE MAKING OF LAW ENFORCEMENT POLICY.** GEORGETOWN UNIVERSITY LAW JOURNAL ASSOCIATION, 600 NEW JERSEY AVENUE, NW, WASHINGTON DC 20001. *GEORGETOWN LAW JOURNAL*, V 65, N 5 (JUNE 1977), P 1171-1228. **NCJ-47196**

THE MANNER IN WHICH FEDERAL PROSECUTORS MAKE LAW ENFORCEMENT POLICY IS EXPLORED THROUGH AN EXAMINATION OF THE FEDERAL EFFORT IN PROSECUTING LOCAL OFFICIALS FOR ACTS OF PUBLIC CORRUPTION. JUDICIAL INTERPRETATIONS OF THE HOBBS ACT, THE PRINCIPAL VEHICLE FOR RECENT FEDERAL PROSECUTION OF LOCAL CORRUPTION OF PUBLIC OFFICIALS, ARE ANALYZED. THE DECISIONMAKING PROCESS WITHIN THE U.S. DEPARTMENT OF JUSTICE WITH REGARD TO CORRUPTION PROSECUTION IS DISCUSSED. A REVIEW IS UNDERTAKEN OF LEGISLATIVE EFFORTS TO ADDRESS THE PROBLEM OF PROSECUTORIAL DISCRETION. THE EXPANSION OF FEDERAL JURISDICTON OVER LOCAL CORRUPTION IS EXAMINED; THE HISTORY OF PUBLIC CORRUPTION AS A COMMON LAW OFFENSE IS DISCUSSED, AND THE NATURE OF THE FEDERAL OFFENSE BOTH BEFORE AND AFTER THE CASE OF THE U.S. V. KENNY IS REVIEWED. TRENDS IN HOBBS ACT PROSECUTIONS ARE NOTED. THE DEVELOPMENT OF FEDERAL LAW ENFORCEMENT POLICY IS EXAMINED WITH REGARD TO HOW DECISIONS TO PROSECUTE ARE MADE. EXAMPLES OF LOCAL CORRUPTION CASES ARE CITED, AND THE NATURE OF CORRUPTION WITHIN THE VARIOUS LEVELS OF PUBLIC SERVICE—THE EXECUTIVE AND JUDICIAL LEVELS, THE POLICE AND OTHER LAW ENFORCEMENT AGENCIES—IS OVERVIEWED. THE FEDERAL PROSECUTORIAL POLICY IS DISCUSSED IN TERMS OF ITS PRESENT APPLICATION. ATTEMPTS TO REFORM FEDERAL CRIMINAL LAWS REGARDING FEDERAL JURISDICTION OVER INCIDENTS OF LOCAL POLITICAL CORRUPTION ARE REVIEWED. GUIDELINES ARE SUGGESTED FOR RESOLVING POTENTIAL STATE-FEDERAL CONFLICTS. IT IS CONCLUDED THAT WHILE THE DECISION TO PROSECUTE PROPERLY REMAINS AN EXECUTIVE FUNCTION IN CASES INVOLVING FEDERAL INTEREST, THE PROSECUTOR SHOULD BE CAREFUL NOT TO ASSUME A LEGISLATIVE ROLE. RELEVANT CASES ARE REFERENCED THROUGHOUT THE TEXT.

236. **STATE ANTITRUST LAWS AND THEIR ENFORCEMENT.** 86 p. 1974. **NCJ-39748**

THIS OVERVIEW OF STATE ACTIVITY IN 39 U.S. JURISDICTIONS IS INTENDED PRIMARILY TO ASSIST THOSE ATTORNEYS GENERAL'S OFFICES WHICH ARE INITIATING ACTIVE ANTITRUST ENFORCEMENT PROGRAMS. IT IS ALSO DIRECTED AT THOSE PROGRAMS PROPOSING THE ENACTMENT OR AMENDMENT OF ANTITRUST LEGISLATION. EACH STATE'S MAJOR ANTITRUST OR ANTIMONOPOLY LAWS ARE CITED AND DISCUSSED, ALONG WITH THE EXTENT AND NATURE OF PARENS PATRIAE POWERS AND LEGISLATION, ANTITRUST BUDGETS AND STAFFS, AREAS OF STATE ACTIVITY, AND ENFORCEMENT PROCEDURES. RENEWED INTEREST IN AND EMPHASIS ON ANTITRUST ENFORCEMENT IS EVIDENCED IN STATE EFFORTS TO DRAFT AND OBTAIN THE ENACTMENT OF EFFECTIVE LEGISLATION IN GROWTH, IN FUNDING PROCUREMENT ACTIVITIES, AND IN INCREASED ANTITRUST INVESTIGATIONS AND SUITS. A MODEL ANTITRUST ACT PREPARED BY THE PENNSYLVANIA OFFICE OF THE ATTORNEY GENERAL IS APPENDED.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 3901 BARRETT DRIVE, RALEIGH NC 27609.

237. **E. STOTLAND, M. WALSH, and M. WEINBERG. INVESTIGATION OF WHITE COLLAR CRIME—A MANUAL FOR LAW ENFORCEMENT AGENCIES.** BATTELLE HUMAN AFFAIRS RESEARCH CENTERS, 4000 N.E. 41ST STREET, SEATTLE WA 98105. 393 p. 1977. **NCJ-40553**

THIS MANUAL WAS DEVELOPED FOR THE USE OF THOSE WHO INVESTIGATE WHITE-COLLAR CRIME AND RELATED ABUSES AND TO ASSIST THOSE WHO SUPERVISE AND MUST INTERACT WITH INVESTIGATORS IN THIS FIELD. IT IS DESIGNED TO ORIENT NEW ORGANIZATIONS AS TO WHAT MUST BE DONE TO SUCCESSFULLY SET UP AND OPERATE AN ORGANIZATION WHICH INVESTIGATES WHITE-COLLAR CRIME AND TO PROVIDE AN INVENTORY OF STRATEGIES, TACTICS AND TECHNIQUES WHICH WILL HELP BOTH NEW AND ALREADY ESTABLISHED ORGANIZATIONS TO IMPROVE AND ENHANCE THE COMPREHENSIVENESS OF THEIR OPERATIONS. THE ORGANIZATION OF THIS MANUAL GOES FROM THE GENERAL TO THE SPECIFIC. FIRST IT DEALS WITH THE BASIC ISSUE OF WHAT WHITE-COLLAR CRIME IS, WHY IT IS A PROPER AREA FOR LAW ENFORCEMENT EFFORTS, AND WHAT ITS IMPACT IS ON INDIVIDUALS, BUSINESS, AND THE GENERAL COMMUNITY. AS PART OF THIS DISCUSSION, WHITE-COLLAR CRIME ELEMENTS, CHARACTERISTICS, OFFENDER MOTIVATIONS, RELATIONSHIPS TO OTHER CRIME AREAS, AND REMEDIES ARE DISCUSSED AT SOME LENGTH--FOR THE LIGHT THEY SHED ON BOTH THE JUSTIFICATIONS FOR AND PROPER METHODS OF RESPONDING TO THESE CRIMES AND THE ABUSES RELATED TO THEM. FROM THERE THE MANUAL GOES ON TO DISCUSS THE KINDS OF ORGANIZATIONS AND ORGANIZATIONAL ACTIVITIES WHICH HAVE BEEN FOUND TO BE REQUIRED TO EFFECTIVELY DEAL WITH WHITE-COLLAR CRIME, AND FACTORS SUCH AS THE FORM OF ORGANIZATIONAL UNITS, INTERFACES OF UNIT ACTIVITY WITHIN AGENCIES AND EXTERNALLY, PERSONNEL SELECTION AND THE ROLE OF INTELLIGENCE IN A WHITE-COLLAR CRIME ENFORCEMENT EFFORT. HAVING THUS SET THE STAGE FOR ACTION, THE ELEMENTS OF WHITE-COLLAR CRIME ARE THEN ANALYZED FOR THE PURPOSE OF SHOWING HOW THE INVESTIGATOR CAN IDENTIFY AND TARGET THE KINDS OF INFORMATION AND EVIDENCE HE WILL NEED IN ORDER TO CONSTRUCT HIS CASE. ONCE THIS IS DONE IT BECOMES RELEVANT TO GO INTO DETAIL AS TO HOW THE INVESTIGATOR SHOULD PROCEED TO OBTAIN THIS INFORMATION AND EVIDENCE, FOR EXAMPLE BY SEARCHES FOR DOCUMENTATION, FINDING AND INTERVIEWING VICTIMS AND WITNESSES, AND INTERROGATION OF SUSPECTS. ALSO INCLUDED IN THIS SECTION OF THE MANUAL IS A DISCUSSION OF COMPUTERS, BOTH AS A TOOL USED BY THE WHITE-COLLAR CRIMINAL IN COMMITTING HIS CRIMES AND AS AN INVESTIGATIVE RESOURCE FOR USE BY THE INVESTIGATOR TO UNRAVEL AND PROVE A CASE. THE MAIN PART OF THE MANUAL CONCLUDES WITH A DISCUSSION OF EVALUATION OF WHITE-COLLAR CRIME EFFORTS, NOT MERELY AS A BASIS FOR JUDGING SUCCESS OR FAILURE BUT, MORE IMPORTANTLY, AS AN AID TO SETTING GOALS AND PRIORITIES, AS A SOURCE OF INFORMATION FOR GUIDING AND STEERING AGENCY OR UNIT OPERATIONS AND AS A BASIS FOR RESOURCE ALLOCATION AND BUDGET JUSTIFICATION. THE APPENDIXES ARE ADDED FOR

THE PURPOSE OF PROVIDING MORE SPECIFIC FORMS OF EXPERTISE AND ASSISTANCE WITH RESPECT TO SUCH MATTERS AS TRAINING INVESTIGATORS, READILY IDENTIFYING THE SOURCES OF INFORMATION NEEDED IN WHITE-COLLAR CRIME INVESTIGATIONS, FOLLOWING FINANCIAL TRAILS, AND DIRECTING THE READER (BY USE OF A SELECTED GLOSSARY OF WHITE-COLLAR CRIMES NUMERICALLY KEYED TO AN ORGANIZED BIBLIOGRAPHY) TO SOURCES OF FURTHER INFORMATION ON WHITE-COLLAR CRIME ISSUES, VICTIMS, AND SPECIFIC OFFENSES. (AUTHOR ABSTRACT)

Sponsoring Agency: US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Availability: GPO. Stock Order No. 027-000-00507-1.

238. **W. E. SWOPE. CURRENT TRENDS IN ANTITRUST ENFORCEMENT—A PROSECUTOR'S PERSPECTIVE.** US DEPARTMENT OF JUSTICE. 19 p. 1978. **NCJ-46710**

THE ENFORCEMENT EFFORTS OF THE ANTITRUST DIVISION ARE REVIEWED, AND TRENDS IN PROSECUTION, PARTICULARLY IN THE AREA OF MERGER ENFORCEMENT, ARE DISCUSSED. THE ANTITRUST DIVISION'S MANDATE IS TO MAKE COMPETITION IN BUSINESS WORK. WHILE IN THE PAST THE DIVISION ROLE WAS PRIMARILY INVESTIGATION AND PROSECUTION, THAT ROLE HAS BEEN EXPANDED TO COVER ADVOCACY FUNCTIONS BEFORE REGULATORY AGENCIES AND THE CONGRESS AND WITHIN THE ADMINISTRATION. IN 1977, THE DIVISION WAS INVOLVED IN NEARLY 400 REGULATORY AGENCY MATTERS, PREPARED 250 REPORTS AND TESTIMONIALS FOR PROPOSED LEGISLATION, AND WAS INVOLVED IN OVER 600 INVESTIGATIONS AND 140 CIVIL AND CRIMINAL PROSECUTIONS. WITH THESE INCREASED RESPONSIBILITIES, MANPOWER AND FINANCIAL RESOURCES HAVE ALSO BEEN EXPANDED. A GREATER EMPHASIS ON CRIMINAL ENFORCEMENT HAS TAKEN PLACE SINCE 1974, WHEN SHERMAN ACT VIOLATIONS WERE MADE FELONIES AND MAXIMUM PENALTIES WERE INCREASED. BETWEEN DECEMBER 1974 AND NOVEMBER 1976, ONLY 7 PERCENT OF INDIVIDUALS SENTENCED FOR MISDEMEANOR ANTITRUST VIOLATIONS RECEIVED JAIL SENTENCES; SINCE NOVEMBER 1976, THIS FIGURE HAS INCREASED TO NEARLY 25 PERCENT. EXPERIENCE WITH FELONY CASES HAS BEEN LIMITED, BUT THERE ARE INDICATIONS THAT DRAMATIC INCREASES WILL BE SEEN IN THIS AREA. GUIDELINES HAVE BEEN ESTABLISHED FOR FELONY SENTENCING RECOMMENDATIONS WHICH TAKE INTO CONSIDERATION THE AMOUNT OF COMMERCE INVOLVED, THE POSITION OF THE INDIVIDUAL, THE DEGREE OF PREDATORY CONDUCT, LENGTH OF PARTICIPATION IN THE VIOLATION, AND PREVIOUS ANTITRUST PARTICIPATION. MITIGATING FACTORS, SUCH AS COOPERATION WITH THE GOVERNMENT AND SEVERE PERSONAL OR FAMILY HARDSHIP, ARE ALSO CONSIDERED. GRANTS OF IMMUNITY ARE SPARINGLY USED, AND THE DEFENDANT'S CULPABILITY IS WEIGHED IN DETERMINING WHETHER IMMUNITY IS IN THE PUBLIC INTEREST. A BYPRODUCT OF THE STIFFER SHERMAN ACT PENALTIES HAS BEEN AN INCREASING NUMBER OF CONSTITUTIONAL CHALLENGES OF THE ACT. THE SHARED MONOPOLY PROBLEM, DEFINED AS COOPERATION AND LACK OF COMPETITION AMONG A NUMBER OF LARGE FIRMS WHICH HAS THE EFFECT OF A MONOPOLY, ALSO HAS HIGH ENFORCEMENT PRIORITY. MERGER ENFORCEMENT ACTIVITY IS EXPECTED TO INCREASE, PARTICULARLY SINCE THE PASSAGE OF THE 'PRENOTIFICATION OF MERGER' PROVISION OF THE 1976 ANTITRUST IMPROVEMENTS ACT. PRENOTIFICATION WILL GIVE THE DIVISION THE INFORMATION AND THE TIME NEEDED TO EVALUATE AND, IF NECESSARY, CHALLENGE PROPOSED MERGERS. FINALLY, PROSECUTION IN MAJOR MONOPOLY CASES HAS PREVIOUSLY BEEN AN EXTREMELY COMPLEX AND TIME-CONSUMING PROCESS. HOWEVER, RESEARCH IS BEING UNDERTAKEN TO STREAMLINE THE PROCESS, AND THE PRESIDENTIAL COMMISSION ON ANTITRUST LAWS AND PROCEDURES WILL BE MAKING RECOMMENDATIONS FOR SYSTEM REVISIONS DESIGNED TO INSURE EFFECTIVE AND EFFICIENT PROSECUTION.

Supplemental Notes: ADDRESS DELIVERED TO THE 1978 SOUTHEASTERN CORPORATE LAW INSTITUTE AT POINT CLEAR, ALABAMA, APRIL 22, 1978.

Availability: NCJRS MICROFICHE PROGRAM.

239. **UNITED STATES DEPARTMENT OF JUSTICE—NATIONAL ECONOMIC CRIME PROJECT—REPORT TO THE ATTORNEY GENERAL, 1978.** 67 p. 1978. **NCJ-54199**

THIS REPORT OF A NATIONAL COMMISSION ON ECONOMIC CRIME RECOMMENDS AGAINST AND SUGGESTS POSSIBLE ALTERNATIVES TO A NEW NATIONAL CENTER OR INSTITUTE DEVOTED TO THE STUDY AND PREVENTION OF WHITE-COLLAR CRIME. DESPITE THE ABSENCE OF A WELL-DEFINED BODY OF LITERATURE, OF PROVEN METHODS FOR DEALING WITH CERTAIN FORMS OF WHITE-COLLAR CRIME, OR EVEN OF ACCEPTABLE DATA ON THE EXTENT OF THIS TYPE OF CRIME, A SIGNIFICANT RECORD OF EFFORT AND CONCERN HAS BEEN ESTABLISHED BY ACADEMICIANS, RESEARCHERS, AND LAW ENFORCEMENT PRACTITIONERS. ALTHOUGH THERE IS NO SUPPORT FOR THE CREATION OF A NEW NATIONAL ECONOMIC CRIME CENTER OR INSTITUTE, THE PROBLEM OF INADEQUATE PUBLIC SECTOR AND PRIVATE SECTOR COOPERATION TO COMBAT WHITE-COLLAR CRIME REMAINS. HOWEVER, WORKABLE ALTERNATIVES EXIST TO ACCOMPLISH MOST OF THE OBJECTIVES OUTLINED FOR A PROPOSED NATIONAL CENTER, INCLUDING THE FOLLOWING: (1) THE U.S. ATTORNEY GENERAL SHOULD CREATE A SENIOR LEVEL INTERAGENCY WORKING GROUP TO COORDINATE AND MAXIMIZE EFFORTS IN COMBATING ECONOMIC CRIME; (2) LEAA SHOULD IMPROVE ITS INTERNAL STRUCTURE FOR COORDINATING WHITE-COLLAR CRIME PROJECTS; (3) NCJRS SHOULD EXPAND ITS COLLECTION OF LITERATURE ON ECONOMIC CRIME, ESTABLISH ADDITIONAL DISTRIBUTION CHANNELS, AND MAKE THIS INFORMATION READILY AVAILABLE TO BUSINESS EXECUTIVES AND SECURITY MANAGERS IN THE PRIVATE SECTOR; (4) THE JUSTICE DEPARTMENT SHOULD DEVELOP RELIABLE MECHANISMS FOR ASSESSING THE NATURE, EXTENT, AND IMPACT OF CRIMES AGAINST BUSINESSES; (5) THE JUSTICE DEPARTMENT SHOULD INCREASE ITS INVOLVEMENT IN PROVIDING EDUCATION, TRAINING, AND TECHNICAL ASSISTANCE TO THE PRIVATE SECTOR IN THE FIGHT AGAINST WHITE-COLLAR CRIME; AND (6) THE JUSTICE DEPARTMENT SHOULD EXPAND ITS TRAINING PROGRAMS TO IMPROVE THE SKILLS AND KNOWLEDGE OF INVESTIGATORS, PROSECUTORS, AND JUDGES IN DEALING WITH ECONOMIC CRIME.

Availability: NCJRS MICROFICHE PROGRAM.

240. **US CONGRESS HOUSE COMMITTEE ON GOVERNMENT OPERATIONS, WASHINGTON DC 20515. FEDERAL TRADE COMMISSION OVERSIGHT—RULEMAKING, ADVERTISING, AND CONSUMER ACCESS—FOURTH REPORT BY THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS, 95TH CONGRESS, 1ST SESSION, JUNE 30, 1977.** 111 p. 1977. **NCJ-54184**

THE RESULTS OF A CONGRESSIONAL INVESTIGATION INTO ASPECTS OF FEDERAL TRADE COMMISSION (FTC) RULEMAKING AND REGULATORY ACTIVITIES ARE REPORTED. THE SUBCOMMITTEE ON COMMERCE, CONSUMER, AND MONETARY AFFAIRS OF THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON GOVERNMENT OPERATIONS, WHICH HAS JURISDICTION OVER THE FTC, EXAMINED THE RULEMAKING PROCESS OF THE COMMISSION'S BUREAU OF CONSUMER PROTECTION, THE ADVERTISING REGULATORY ACTIVITIES OF THE BUREAU'S DIVISION OF NATIONAL ADVERTISING, AND CITIZEN ACCESS TO THE REGULATORY PROCESS. THE SUBCOMMITTEE'S REPORT FOCUSES ON DELAYS IN THE

RULEMAKING PROCESS AND ON SHORTCOMINGS OF FTC ADVERTISING PROGRAMS AND CITIZEN PETITION PROCEDURES. THE SUBCOMMITTEE FOUND THAT, ALTHOUGH RULEMAKING IS POTENTIALLY THE FTC'S MOST VALUABLE TOOL IN DEALING WITH UNFAIR AND DECEPTIVE BUSINESS PRACTICES, THE RULEMAKING PROCESS IS CHARACTERIZED BY DELAY, POSTPONEMENT, AND EXTENSION AT EVERY STAGE. THE FTC ANNOUNCES MANY INVESTIGATIONS, PROPOSES RULES, AND HEARINGS ON RULES, BUT PRODUCES VERY FEW FINAL RULES. SOME OF THE DELAYS ARE CAUSED DELIBERATELY BY COMPANIES UNDER INVESTIGATION. OTHERS RESULT FROM INEFFICIENCIES WITHIN THE COMMISSION. THE SUBCOMMITTEE ALSO CONCLUDED THAT INSUFFICIENT RESOURCES AND PROGRAMMING ARE BEING DEVOTED TO ELIMINATING ADVERTISING ABUSES THROUGH AD SUBSTANTIATION, CORRECTIVE ADVERTISING, AND PRODUCT INFORMATION DISCLOSURE REQUIREMENTS, NATIONAL ADVERTISING LITIGATION, AND ADVERTISING REVIEW BOARD ACTIVITIES. THE INVESTIGATION ALSO POINTED TO INADEQUACIES IN THE FTC'S PROCEDURES FOR RESPONDING TO PETITIONS FILED BY CONSUMER GROUPS, PUBLIC INTEREST ADVOCATES, AND OTHERS CONCERNED WITH FTC RULEMAKING AND ADVERTISING REGULATORY ACTIVITIES. RECOMMENDATIONS FOR RESOLVING THE PROBLEMS IDENTIFIED IN THE INVESTIGATION ARE PRESENTED. SUPPORTING DOCUMENTATION IS APPENDED.

Availability: NCJRS MICROFICHE PROGRAM.

241. **US CONGRESS SENATE COMMITTEE ON THE JUDICIARY, WASHINGTON DC 20510. ANTITRUST ENFORCEMENT ACT OF 1978—REPORT OF THE SENATE COMMITTEE ON THE JUDICIARY.** 59 p. 1978. **NCJ-49752**

THE COMMITTEE REPORTS FAVORABLY ON A BILL THAT WOULD PERMIT CONSUMERS, BUSINESSES, AND GOVERNMENTS INJURED BY ANTITRUST VIOLATIONS TO RECOVER DAMAGES REGARDLESS OF WHETHER THEY HAVE DEALT DIRECTLY WITH THE VIOLATOR. THE PROPOSED BILL WOULD AMEND SECTION 4 OF THE CLAYTON ACT SO THAT CONSUMERS--INDIVIDUALS, BUSINESSES, STATE GOVERNMENTS, FEDERAL AGENCIES, ETC.--THAT PURCHASE GOODS AND SERVICES FROM WHOLESALERS, RETAILERS, AND OTHER MIDDLEMEN WOULD NO LONGER BE BARRED FROM RECOVERING DAMAGES FOR INJURIES SUFFERED AS A RESULT OF AN ANTITRUST VIOLATION BY THE ORIGINAL MANUFACTURER OR PURVEYOR. FOR EXAMPLE, THE PATIENT WHO IS OVERCHARGED BY THE PHARMACY AS A RESULT OF ILLEGAL PRICE-FIXING ACTIVITIES BY DRUG MANUFACTURERS COULD, UNDER THE PROPOSED BILL, OBTAIN REDRESS FROM THE MANUFACTURER. THE BILL STANDS CONTRARY TO A 1977 FINDING BY THE U.S. SUPREME COURT THAT WOULD DENY SUCH REDRESS. THE COMMITTEE REPORT CITES JUDICIAL AND LEGISLATIVE PRECEDENT FOR OVERRULING THE SUPREME COURT'S FINDING, OFFERS AN EXPLANATION OF THE PROPOSED BILL AND THE CHANGES IT WOULD MAKE IN THE CLAYTON ACT, AND PRESENTS THE FULL TEXT OF THE BILL AS REPORTED BY THE COMMITTEE. THE INDIVIDUAL VIEWS OF VARIOUS COMMITTEE MEMBERS REGARDING THE BILL ARE INCLUDED. MINORITY AND ADDITIONAL VIEWS ARE REPORTED IN A SEPARATE DOCUMENT.

Supplemental Notes: SEE ALSO PART II—MINORITY AND ADDITIONAL VIEWS.

Availability: NCJRS MICROFICHE PROGRAM.

242. **US CONGRESS SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, WASHINGTON DC 20510. ROLE OF THE INSURANCE INDUSTRY IN DEALING WITH ARSON-FOR-PROFIT—STAFF STUDY—PERMANENT SENATE SUBCOMMITTEE ON INVESTIGATION, 96TH CONGRESS, 1ST SESSION, FEBRUARY, 1979.** 26 p. 1979. **NCJ-55071**

RESULTS OF A SENATE INVESTIGATION SUBCOMMITTEE SURVEY ON HOW INSURANCE COMPANIES DEAL WITH ARSON-FOR-PROFIT ARE PRESENTED, TOGETHER WITH TESTIMONY OF COMPANY REPRESENTATIVES AND SUBCOMMITTEE RECOMMENDATIONS. QUESTIONNAIRES WERE SENT TO INSURANCE COMPANIES TO FIND OUT THEIR POLICIES IN AREAS SUCH AS UNDERWRITING, CLAIMS INVESTIGATION, CLAIMS ADJUSTOR TRAINING, STATISTICAL RECORDKEEPING, INVESTIGATION AND PROSECUTION OF SUSPICIOUS CLAIMS, AND THEIR PERCEPTIONS OF ORGANIZED CRIME INVOLVEMENT IN ARSON-FOR-PROFIT. CUMULATING THE DATA FROM SURVEY RESPONSES AND COMPANY REPRESENTATIVE TESTIMONY, THE SUBCOMMITTEE DISCOVERED THAT MOST COMPANIES DO NOT INSPECT BUILDINGS PRIOR TO COVERAGE TO ASSESS THEIR VALUE, DO RELY ON THEIR AGENTS IN ACCEPTING OR REFUSING RISKS, DO NOT FORMALLY TRAIN THEIR CLAIMS ADJUSTORS, AND DO NOT KEEP COMPREHENSIVE RECORDS ON NUMBERS OF STRUCTURES LOST TO FIRE AND THE VALUE OF SUCH STRUCTURES. COMPANIES REPORT THAT OVERINSURING PLAYS A LARGE ROLE IN THE ARSON-FOR-PROFIT SCHEMES, THAT MOST ARSONISTS PARTICIPATE IN ALL FACETS OF THE CRIMES INCLUDING INSURANCE MONEY COLLECTION, AND THAT ORGANIZED CRIME IS INCREASINGLY INVOLVED IN ARSON-FOR PROFIT. COMPANIES ARE RELUCTANT TO INVESTIGATE OR REPORT SUSPICIOUS CLAIMS TO LEGAL AUTHORITIES BECAUSE FAIR PRACTICE REGULATIONS REQUIRE PROMPT PAYMENT AND PRIVACY LAWS RESTRICT FREE EXCHANGE OF INFORMATION WITH AUTHORITIES. ALSO, MOST COMPANIES LACK SUFFICIENT INFORMATION TO INVESTIGATE OR REPORT CLAIMS. THE SUBCOMMITTEE RECOMMENDS THAT COMPANIES REQUIRE ROUTINE RISK REVIEWS OF STRUCTURES PRIOR TO COVERAGE, FORMALLY TRAIN ADJUSTORS, DEVELOP INHOUSE INVESTIGATIVE EXPERTISE, EXAMINE CURRENT POLICY ON CLAIMS CHALLENGE, AND DEVELOP RECORDKEEPING SYSTEMS AND SHARE INFORMATION ON SUSPECTED ARSON.

Availability: NCJRS MICROFICHE PROGRAM.

243. **US DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION OFFICE OF REGIONAL OPERATIONS. USE OF STATE REVENUE STATUTES IN ORGANIZED CRIME PROSECUTIONS.** 374 p. 1976. **NCJ-31483**

GUIDELINES FOR STATE PROSECUTION ON INCOME AND OTHER TAX EVASION CHARGES OF RACKETEERS WHO HAVE EFFECTIVELY INSULATED THEMSELVES FROM PROSECUTIONS FOR OTHER TYPES OF CRIMES. BASED ON THE FEDERAL GOVERNMENT'S EXPERIENCE IN THIS AREA, THESE GUIDELINES ARE ESPECIALLY DESIGNED FOR THOSE STATES HAVING STATUTES CLOSELY RESEMBLING THOSE USED MOST OFTEN IN FEDERAL CRIMINAL TAX PROSECUTIONS OF RACKETEERS. THE FIRST PART OF THESE TWO-PART GUIDELINES CONSIST OF A JUSTICE DEPARTMENT PUBLICATION USED BY FEDERAL PROSECUTORS AS A GUIDE IN CRIMINAL TAX PROSECUTIONS, AND IT IS USED TO COMPARE STATE AND FEDERAL STATUTES AND PROCEDURES IN THIS AREA. TEXTS OF THE FIVE STATUTES MOST OFTEN USED IN FEDERAL CRIMINAL TAX PROSECUTION OF RACKETEERS (TAX EVASION, WILLFUL FAILURE TO FILE, MAKING AND PRESENTING FALSE DOCUMENTS, CONSPIRACY, PRESENTING FALSE STATEMENTS) ARE SET FORTH, FOLLOWED BY A DISCUSSION OF THE ELEMENTS OF EACH OFFENSE. ALSO IN THIS FIRST SECTION IS A DISCUSSION OF THEORIES OF PROOF IN CRIMINAL TAX CASES, INCLUDING THE USE OF DIRECT AND CIRCUMSTANTIAL EVIDENCE—THE NETWORK PLUS EXPENDITURES METHOD AND THE BANK DEPOSITS METHOD. IN ADDITION, SAMPLE FEDERAL INDICTMENT AND INFORMATION FORMS ARE PROVIDED. THE SECOND HALF OF THIS PUBLICATION CONTAINS EXTRACTS FROM INTERNAL REVENUE SERVICE PUBLICATIONS USED IN TRAINING SPECIAL AGENTS FROM CRIMINAL TAX INVESTIGATIONS. IT INCLUDES A DISCUSSION OF INVESTIGATIVE PRO-

CEDURES AS WELL AS THE FEDERAL STATUTORY PROVISIONS PERTAINING TO CRIMINAL TAX PROSECUTIONS, AND CITATIONS TO RELEVANT CASE LAW.

Availability: NCJRS MICROFICHE PROGRAM.

244. **US GENERAL ACCOUNTING OFFICE, DISTRIBUTION SECTION, ROOM 4522, 441 G STREET, NW, WASHINGTON DC 20548. ARSON-FOR-PROFIT—MORE COULD BE DONE TO REDUCE IT REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES.** 41 p. 1978. **NCJ-54542**

THE EXTENT TO WHICH THE FEDERAL RIOT REINSURANCE PROGRAM AND FAIR ACCESS TO INSURANCE REQUIREMENTS PLANS OF VARIOUS STATES PROVIDE INCENTIVES FOR ARSON-RELATED INSURANCE FRAUD (I.E., ARSON FOR PROFIT) ARE EVALUATED. THE GENERAL ACCOUNTING OFFICE, IN RESPONDING TO A CONGRESSIONAL REQUEST, ASSESSED THE ADEQUACY OF FEDERAL PROGRAMS DEALING WITH THE DETECTION, INVESTIGATION, AND PROSECUTION OF ARSON OFFENSES AND THE EFFECTIVENESS OF FAIR ACCESS TO INSURANCE REQUIREMENTS PLANS IN MINIMIZING THE ARSON-RELATED INSURANCE FRAUD PROBLEM. INTERVIEWS WERE CONDUCTED WITH OFFICIALS, AND WRITTEN INFORMATION WAS OBTAINED FROM THE FEDERAL INSURANCE ADMINISTRATION, THE NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION, NINE FAIR ACCESS TO INSURANCE REQUIREMENTS PLANS (DELAWARE, THE DISTRICT OF COLUMBIA, ILLINOIS, MARYLAND, MASSACHUSETTS, NEW YORK, PENNSYLVANIA, RHODE ISLAND, AND WASHINGTON), SIX INSURANCE COMPANIES, AND TWO INSURANCE INDUSTRY TRADE ASSOCIATIONS. FINDINGS INDICATE THAT THE AMOUNT OF COVERAGE PROVIDED BY STATE PLANS VARIES. SOME PLANS BASE THE AMOUNT OF COVERAGE GIVEN TO A PROPERTY OWNER ON THE MARKET VALUE OF THE PROPERTY USING SUCH VALUES AS THE OWNER'S PURCHASE PRICE. ALTHOUGH PLANS CAN REFUSE TO INSURE FOR THE FULL AMOUNT REQUESTED, THREE OF THE NINE INVESTIGATED DO NOT. OF THE NINE PLANS, SIX REFUSE TO INSURE FOR THE FULL AMOUNT REQUESTED IF IT IS MORE THAN THE PROPERTY VALUE AS DETERMINED BY THE PLAN. ALL PLANS CAN REFUSE COVERAGE ALTOGETHER, BUT THERE ARE LIMITED REASONS FOR REFUSING. GENERALLY, DEPRECIATION (DETERIORATION) IS CONSIDERED IN PAYING CLAIMS. IN FOUR STATES, THE BASIS USED FOR DETERMINING THE AMOUNT TO PAY UNDER A CLAIM IS THE PROPERTY'S ACTUAL CASH VALUE AT THE TIME OF LOSS; ACTUAL CASH VALUE IS DEFINED AS REPLACEMENT COST LESS DEPRECIATION. THE FEDERAL RIOT INSURANCE PROGRAM PROVIDES PRIVATE INSURANCE COMPANIES WITH INSURANCE TO PROTECT THEM DURING RIOTS AGAINST EXCESS LOSSES ON COMPANY-INSURED PROPERTIES. TO PURCHASE RIOT REINSURANCE, A COMPANY MUST BE PARTICIPATING IN A FAIR ACCESS TO INSURANCE REQUIREMENTS PLAN. BOTH PLAN AND INSURANCE INDUSTRY OFFICIALS BELIEVE THAT ARSON FOR PROFIT IS A SERIOUS PROBLEM IN PLANS AND IN THE PRIVATE INSURANCE MARKET. ONE OF THE MAJOR INCENTIVES FOR ARSON OFFENSES IS OVERINSURANCE, PROVIDING AN AMOUNT OF INSURANCE EXCEEDING PROPERTY MARKET VALUE. PLANS NEED GREATER UNDERWRITING AUTHORITY TO DENY OR LIMIT INSURANCE COVERAGE TO HIGH-RISK PROPERTY OWNERS. DETAILED RESULTS OF THE GENERAL ACCOUNTING OFFICE REVIEW, A LIST OF ORGANIZATIONS CONTACTED DURING THE COURSE OF THE REVIEW, AND DATA ON PLANS ARE APPENDED.

Availability: NTIS. Accession No. PB-283-106. (Microfiche)

245. **US GENERAL ACCOUNTING OFFICE, DISTRIBUTION SECTION, ROOM 4522, 441 G STREET, NW, WASHINGTON DC 20548. RESOURCES DEVOTED BY THE DEPARTMENT OF JUSTICE TO COMBAT WHITE-COLLAR CRIME AND PUBLIC CORRUPTION—REPORT BY THE US COMPTROLLER GENERAL TO CONGRESS, HOUSE JUDICIARY COMMITTEE.** 45 p. 1979. **NCJ-55022**

THE RESOURCES ALLOCATED BY THE U.S. DEPARTMENT OF JUSTICE TO THE INVESTIGATION AND PROSECUTION OF WHITE-COLLAR CRIME AND PUBLIC CORRUPTION DURING FISCAL 1977 AND 1978 ARE REPORTED. THE REPORT ENCOMPASSES THE FOLLOWING COMPONENTS OF THE JUSTICE DEPARTMENT: FEDERAL BUREAU OF INVESTIGATION (FBI), U.S. ATTORNEYS; CRIMINAL DIVISION (ORGANIZED CRIME AND RACKETEERING, PUBLIC INTEGRITY, AND FRAUD SECTIONS), ANTITRUST DIVISION; TAX DIVISION (CRIMINAL SECTION), AND CIVIL DIVISION (CIVIL FRAUD SECTION). THE INFORMATION REPORTED WAS OBTAINED BY INTERVIEWING JUSTICE DEPARTMENT OFFICIALS AND BY REVIEWING THE FBI'S COMPUTERIZED RESOURCE DATA. THE SIX COMPONENTS DEVOTED 16.3 AND 16.8 PERCENT OF THEIR TOTAL BUDGETS TO WHITE-COLLAR CRIME AND PUBLIC CORRUPTION IN FISCAL 1977 AND 1978, RESPECTIVELY. IN FISCAL 1979, THE COMPONENTS (EXCLUSIVE OF U.S. ATTORNEYS) PLAN TO DEVOTE A TOTAL OF $104,227,000, OR 15.8 PERCENT OF THEIR TOTAL BUDGETS, TO WHITE-COLLAR CRIME AND CORRUPTION. IN FISCAL 1977 AND 1978, THE JUSTICE DEPARTMENT ALLOCATED APPROXIMATELY 5.1 PERCENT OF ITS TOTAL BUDGET EACH YEAR TO FIGHTING WHITE-COLLAR CRIME AND CORRUPTION. IN 1979, THE DEPARTMENT (EXCLUSIVE OF U.S. ATTORNEYS) PLANS TO ALLOCATE 4.2 PERCENT OF ITS FUNDS TO WHITE-COLLAR CRIME AND CORRUPTION. THE REPORT ALSO INCLUDES A BREAKDOWN OF LEAA GRANTS IN THE AREAS OF WHITE-COLLAR AND ORGANIZED CRIME, PLUS TABULAR DATA ON THE ALLOCATION OF PERSONNEL AND FUNDS THROUGHOUT THE DEPARTMENT.

Supplemental Notes: THERE IS A CHARGE FOR MORE THAN ONE COPY.

Availability: US GENERAL ACCOUNTING OFFICE, DISTRIBUTION SECTION, ROOM 4522, 441 G STREET, NW, WASHINGTON DC 20548. Stock Order No. GGD-79-35.

246. **S. WEAVER. DECISION TO PROSECUTE—ORGANIZATION AND PUBLIC POLICY IN THE ANTITRUST DIVISION.** MIT PRESS, 28 CARLETON STREET, CAMBRIDGE MA 02142. 204 p. 1977. **NCJ-50932**

THIS STUDY OF THE ANTITRUST DIVISION OF THE U.S. JUSTICE DEPARTMENT EXAMINES THE DIVISION'S ORGANIZATION STRUCTURE AND VARIOUS ANTITRUST LAWS TO OUTLINE THE BASIS ON WHICH CASES ARE SELECTED FOR PROSECUTION. THE BOOK BEGINS WITH A DETAILED EXPLANATION OF THE DIVISION'S STRUCTURE AND RESPONSIBILITIES AND THEN REVIEWS THE HISTORICAL BACKGROUND OF ANTITRUST INITIATIVE EXAMINING CLOSELY THE IMPLICATIONS OF THE SHERMAN AND CLAYTON ACTS AND UNDERSCORING THE FACT THAT THE U.S. AS A WHOLE TRADITIONALLY HAS EXPERIENCED CONFLICTS IN FORMULATING OPINIONS ABOUT ANTITRUST POLICY. ONE CHAPTER IS DEVOTED TO THE PROSECUTORS THEMSELVES AND DISCUSSES WHAT KINDS OF LAWYERS ARE DRAWN TO THIS KIND OF WORK AND THEIR COMMITMENTS AND ATTITUDES. PATTERNS IN ANTITRUST DECISIONS, THE ROLES OF THE EXECUTIVE LEVELS WITHIN THE DIVISION, AND THE EXTERNAL INFLUENCES BROUGHT TO BEAR BY BUSINESS AND POLITICAL GROUPS ARE TAKEN UP IN THE SUCCEEDING CHAPTERS. THE FINAL CHAPTER DISCUSSES THE BALANCE THAT THE DIVISION HAS OBTAINED AMONG ALL THESE FACTORS AND MEASURES IT AGAINST OTHER AVAILABLE ALTERNATIVES. REFERENCE NOTES AND AN INDEX ARE PROVIDED. (AUTHOR ABSTRACT MODIFIED)

Supplemental Notes: MIT STUDIES IN AMERICAN POLITICS AND PUBLIC POLICY.

Availability: MIT PRESS, 28 CARLETON STREET, CAMBRIDGE MA 02142.

247. **D. WHITCOMB, L. FRISINA, and R. L. SPANGENBERG. CONNECTICUT ECONOMIC CRIME UNIT.** ABT ASSOCIATES, INC, 55 WHEELER STREET, CAMBRIDGE MA 02138. 79 p. 1979. **NCJ-60332**

THE CONNECTICUT ECONOMIC CRIME UNIT (ECU), ONE OF TWO CONSUMER FRAUD-ORIENTED PROJECTS GRANTED EXEMPLARY STATUS BY LEAA, IS DESCRIBED IN DETAIL. THE ECU CONSISTS OF THREE PROSECUTING ATTORNEYS, FIVE INVESTIGATORS, AND SUPPORT STAFF, WHO WORK OUT OF THE CHIEF STATE'S ATTORNEY'S OFFICE. THE UNIT'S OBJECTIVES ARE TO INVESTIGATE AND PROSECUTE CONSUMER FRAUD CASES AND TO PROMOTE AWARENESS OF ECONOMIC CRIME AMONG THE PUBLIC AND AMONG LAW ENFORCEMENT AND REGULATORY AGENCY PERSONNEL. THE UNIT'S PREVENTION COMPONENTS INCLUDE AN INTER-AGENCY ECONOMIC CRIME COUNCIL, NEWSPAPER ADVERTISING MONITORING, CONSUMER ALERTS, AND LECTURE SERVICES. DURING ITS FIRST 3 YEARS OF OPERATION, THE ECU RECEIVED 32,315 INQUIRIES AND CONDUCTED 786 INVESTIGATIONS. ARRESTS WERE MADE IN EVERY COUNTY IN THE STATE. THE 97 INDICTMENTS BROUGHT DURING THE 3-YEAR PERIOD RESULTED IN 84 GUILTY PLEAS AND ONLY 2 ACQUITTALS. THE ECU'S TOTAL OPERATING COST WAS $474,778. THE UNIT RETURNED $723,610 IN RESTITUTION TO VICTIMS OF ECONOMIC CRIMES AND $20,832 TO THE STATE IN FINES. THE REPORT PROVIDES A DETAILED DESCRIPTION OF THE ECU'S DEVELOPMENT AND ORGANIZATION (INCLUDING PROBLEMS AND PRIORITIES), OPERATIONS (CASE REFERRAL, SCREENING, INVESTIGATION, DATA MANAGEMENT), PREVENTION STRATEGIES, PUBLIC RELATIONS AND TRAINING PROGRAMS, RESULTS, AND OPERATING COSTS. THROUGHOUT THE REPORT, ISSUES TO BE CONSIDERED BY THOSE PLANNING SIMILAR PROJECTS ARE HIGHLIGHTED. APPENDED MATERIALS INCLUDE SAMPLE COPIES OF ECU FORMS, AN OUTLINE OF CONSUMER FRAUD LAW ENFORCEMENT STRATEGIES, SUGGESTED DATA ELEMENTS FOR MANAGEMENT AND EVALUATION INFORMATION-GATHERING, AND A SAMPLE COSTING PLAN.

Supplemental Notes: AN EXEMPLARY PROJECT.

Sponsoring Agency: US DEPARTMENT OF JUSTICE LEAA NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, 633 INDIANA AVENUE NW, WASHINGTON, DC 20531.

Availability: GPO. Stock Order No. 027-000-00830-5.

248. **S. V. WILSON and A. H. MATZ. OBTAINING EVIDENCE FOR FEDERAL ECONOMIC CRIME PROSECUTIONS—AN OVERVIEW AND ANALYSIS OF INVESTIGATIVE METHODS.** AMERICAN BAR ASSOCIATION, 1155 EAST 60TH STREET, CHICAGO IL 60637. *AMERICAN CRIMINAL LAW REVIEW,* V 14, N 4 (SPRING 1977), P 651-716. **NCJ-45012**

THE ADMINISTRATIVE SUMMONS, THE GRAND JURY SUBPOENA, THE COURT-AUTHORIZED SEARCH WARRANT, AND OTHER, LESS FORMAL MEANS OF GATHERING EVIDENCE IN FEDERAL INVESTIGATIONS OF ECONOMIC CRIMES ARE EXAMINED. FEDERAL INVESTIGATION OF ECONOMIC CRIMES IS DISTINGUISHED FROM OTHER INVESTIGATIONS IN THAT SUCH CRIMES USUALLY ARE FAR MORE COMPLEX THAN OTHER FEDERAL OFFENSES AND IN THAT THE AGENCIES INVOLVED IN INVESTIGATING ECONOMIC CRIMES OFTEN HAVE RESPONSIBILITY FOR BOTH REGULATION AND ENFORCEMENT. RESTRICTIONS ON THE USE OF ADMINISTRATIVE SUMMONSES, FEDERAL GRAND JURY SUBPOENAS, AND SEARCH WARRANTS AS METHODS OF GATHERING EVIDENCE IN ECONOMIC CRIMES ARE EXAMINED, WITH REFERENCE TO QUESTIONS ARISING FROM JUDICIAL DECISIONS AND LEGISLATION. PARTICULAR ATTENTION IS DIRECTED TO DECISIONS OF THE U.S. SUPREME COURT LIMITING THE SCOPE OF FOURTH AND FIFTH AMENDMENT CHALLENGES TO THE FEDERAL GOVERNMENT'S EVIDENCE-GATHERING ACTIVITIES. A REVIEW OF LESS FORMAL METHODS USED BY THE FEDERAL GOVERNMENT TO GATHER EVIDENCE IN ECONOMIC CRIME INVESTIGATIONS COVERS VOLUNTARY DISCLOSURE OF INFORMATION; THE GOVERNMENT'S POWER TO DERIVE INFORMATION FOR A CRIMINAL INVESTIGATION FROM RELATED CIVIL REGULATORY PROCEEDINGS; AND PROCEDURES USED TO OBTAIN DOCUMENTS FROM FOREIGN COUNTRIES. THE ADVANTAGES AND DISADVANTAGES OF THE MAJOR EVIDENCE-GATHERING METHODS ARE COMPARED, AND TACTICAL AND PRACTICAL CONSIDERATIONS THAT INFLUENCE THE MANNER IN WHICH THE GOVERNMENT PROCEEDS IN CASES OF ECONOMIC CRIME ARE NOTED.

249. **WISCONSIN DEPARTMENT OF JUSTICE, 123 WEST WASHINGTON, MADISON WI 53702. HANDBOOK ON CONSUMER FRAUD AND UNFAIR BUSINESS PRACTICES.** 230 p. 1977. **NCJ-48840**

THE CHARACTERISTICS OF DECEPTIVE AND UNFAIR BUSINESS PRACTICES AND THEIR REMEDIES ARE DISCUSSED. THE EVALUATION, INVESTIGATION, AND PROCESSING OF A CONSUMER COMPLAINT ARE OUTLINED. THE DISCUSSION OF CONSUMER FRAUD PRACTICES, LAWS, AND LEGAL PROCEEDINGS BEGINS WITH A SUMMARY OF WISCONSIN STATE CONSUMER LAWS AND THE SIGNIFICANCE OF CONSUMER FRAUD. SPECIFIC FALSE OR DECEPTIVE SELLING REPRESENTATIONS AND SCHEMES ARE DESCRIBED, AND EXAMPLES ARE CITED. THE BASIC REMEDY FOR THESE VIOLATIONS IS AN INJUNCTION WITH A CONCOMITANT REMEDY OF RESTITUTION TO THE INJURED CONSUMERS. A BRIEF SUMMARY IS GIVEN OF THE RESTRICTIONS FOR USING REMEDIES, AND OF IMPORTANT CONSUMER PROTECTION GENERAL ORDERS. WISCONSIN'S MAJOR LAW CONCERNING CONSUMER FRAUD IS THE WISCONSIN CONSUMER ACT (WCA), AND THE REVISION OF WCA IS DESCRIBED IN A GENERALIZED STATEMENT. OTHER CONSUMER PROTECTION LAWS EXISTING IN THE STATE FORBID THEFT BY FRAUD, UNFAIR DISCRIMINATION IN TRADE, UNLAWFUL RESTRAINT OF TRADE BY CONTRACT OR CONSPIRACY, SELLING BELOW COST, TRADING STAMPS, LOTTERIES, AND FRAUDULENT CONTRACTS. ODOMETER LAWS, FUTURE SERVICE PLANS, AND CONSUMER PROTECTION REGULATION STATUTES ARE ALSO DISCUSSED. AGENCIES WHICH ALSO HAVE RESOURCES TO REGULATE CONSUMER FRAUD ARE THE DEPARTMENT OF JUSTICE, STATE REGULATORY AGENCIES, AND FEDERAL AGENCIES. THE RELEVANT DEPARTMENTS WITHIN THESE ARE DISCUSSED. THE STEPS TO BE TAKEN IN PROCESSING A CONSUMER COMPLAINT ARE OUTLINED. THESE INCLUDE INVESTIGATION AND EVALUATION OF THE COMPLAINT, COMMENCING LITIGATION, LITIGATION, AND RESTITUTION TO INJURED CONSUMERS. PROCEDURAL LAW WITH REGARD TO CONSUMER FRAUD CASES IS DESCRIBED. THE APPENDIXES CONTAIN SAMPLE FORM LETTERS AND QUESTIONNAIRES, INTERROGATORIES, JUDGMENTS, COMPLAINTS, AND SUMMONS.

Availability: WISCONSIN DEPARTMENT OF JUSTICE, 123 WEST WASHINGTON, MADISON WI 53702; NCJRS MICROFICHE PROGRAM.

250. **S. A. YODER. CRIMINAL SANCTIONS FOR CORPORATE ILLEGALITY.** MINER CENTER PROJECT; WILLIAMS AND WILKINS COMPANY, 428 EAST PRESTON STREET, BALTIMORE MD 21202. *JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY,* V 69, N 1 (SPRING 1978), P 40-58. **NCJ-45766**

THREE MAJOR ISSUES FACING POLICYMAKERS IN THE AREA OF CRIMINAL SANCTIONS AGAINST CORPORATE ILLEGALITY ARE ADDRESSED. THESE ARE THE MORAL NATURE OF CORPORATIONS, THE PURPOSE OF CRIMINAL SANCTIONS, AND THEIR EFFECT. A BASIC THEORETICAL PROBLEM WHICH WILL REQUIRE ANALYSIS IS THE LACK OF DISTINCTION BETWEEN WHAT IS COMMERCIALLY ACCEPTABLE AND WHAT IS LEGALLY OR MORALLY ACCEPTABLE BUSINESS PRACTICE: BUSINESS AND A LARGE SEGMENT OF THE JUDICIARY DO NOT EQUATE CORPORATE WRONGDOING WITH ANTISOCIAL CONDUCT, WHILE MUCH OF THE GENERAL PUBLIC DOES. IT IS ARGUED THAT THE ENACTMENT OF CRIMINAL SANCTIONS FOR SOCIAL ENDS IS NOT WITHOUT PRECEDENT AND DOES PRESENT A VIABLE MEANS OF COMBATING CORPORATE

WRONGDOING. IN GENERAL, SIX VARIABLES ARE ASSOCIATED WITH INDIVIDUAL RESPONSIVENESS TO LEGAL THREAT. THESE INCLUDE THE PERSONALITY AND DEMOGRAPHIC CHARACTERISTICS OF THE INDIVIDUAL, THE EMOTIONAL/VOLITIONAL CONTEXT OF THE THREATENED BEHAVIOR, COMMUNICATION OF THE THREAT, TYPES OF THREATENED CONSEQUENCES, SEVERITY OF THESE CONSEQUENCES, AND FINALLY THE CREDIBILITY OF THE THREAT. IT IS SUGGESTED THAT CORPORATE CRIME CONTINUES TO INCREASE PRIMARILY BECAUSE OF THE LOW CREDIBILITY OF THE LEGAL THREATS BEING MADE: THE CORPORATE CRIMINAL FACES A LOW PROBABILITY OF APPREHENSION AND LITTLE LIKELIHOOD OF SERIOUS PUNISHMENT. LOW CORPORATE FINES AND RARE IMPOSITION OF PRISON SENTENCES FOR CONVICTED INDIVIDUALS CONTRIBUTE TO THE GENERAL LACK OF EFFECTIVENESS OF CRIMINAL SANCTIONS AND POINT TO THE NEED FOR LEGISLATIVE REFORM. TO INCREASE THE EFFECTIVENESS OF SANCTIONS DIRECTED AGAINST CORPORATIONS, FINES SHOULD BE GAUGED TO BOTH THE SEVERITY OF THE OFFENSE AND THE SIZE OF THE CORPORATION; FORMAL PUBLICITY OF THE CRIMINAL CONVICTION SHOULD BE REQUIRED; REHABILITATIVE CORPORATE PROBATION PERIODS COULD BE INSTITUTED; EMPLOYEE SUPERVISION OF CORPORATE COMPLIANCE COULD BE FACILITATED; AND, IN CASES OF EGREGIOUS WRONGDOING, A CORPORATE QUARANTINE COULD BE IMPOSED OR CORPORATE DISSOLUTION COULD BE FORCED. IN ADDITION, THERE ARE A NUMBER OF EXISTING STATUTES AND REGULATIONS WHICH COULD BE INVOKED. TO INCREASE THE EFFECTIVENESS OF SANCTIONS AGAINST THE INDIVIDUAL, INDEMNIFICATION OF THE CORPORATE EXECUTIVE FOR INTENTIONAL MISCONDUCT COULD BE BARRED, A MINIMUM TERM OF IMPRISONMENT COULD BE MANDATED, AND BEHAVIORAL SANCTIONS OR DISQUALIFICATION FROM CORPORATE OFFICEHOLDING COULD BE DEPLOYED. THE INSTITUTION OF SUCH SANCTIONS AGAINST THE CORPORATION AND THE INDIVIDUAL COULD SERVE TO DETER WHITE-COLLAR CRIME.

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*U.S. GOVERNMENT PRINTING OFFICE : 1980 O-311-379/1455

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